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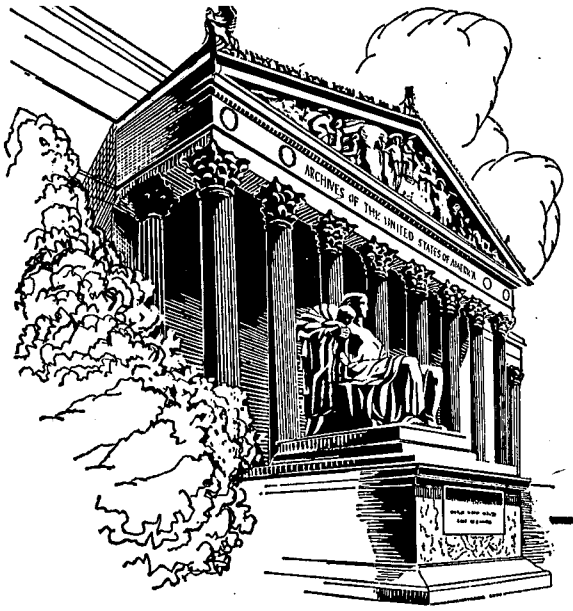

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Title 3—THE PRESIDENT

Executive Order 11226

AMENDING EXECUTIVE ORDER NO. 10358, RELATING TO THE OBSERVANCE OF HOLIDAYS BY GOVERNMENT AGENCIES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Executive Order 10358 of June 9, 1952, entitled "Observance of Holidays by Government Agencies,"[1] is hereby amended

(1) by changing section 7 to read as follows:

"SEC. 7. In administering the provisions of law relating to pay and leave of absence, the workdays referred to in sections 4, 5, 6, and 9 shall be treated as holidays in lieu of the corresponding calendar holidays."

(2) by adding a new section 9 as follows:

"SEC. 9. The holiday for a full-time employee for whom the head of a department has established the first 40 hours of duty performed within a period of not more than six days of the administrative workweek as his basic workweek because of the impracticability of prescribing a regular schedule of definite hours of duty for each workday, shall be determined as follows:

"(a) If a holiday occurs on Sunday, the head of the department shall designate in advance either Sunday or Monday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include 8 hours on the day designated as the employee's holiday.

"(b) If a holiday occurs on Saturday, the head of the department shall designate in advance either the Saturday or the preceding Friday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include 8 hours on the day designated as the employee's holiday.

"(c) If a holiday occurs on any other day of the week, that day shall be the employee's holiday, and the employee's basic 40-hour tour of duty shall be deemed to include 8 hours on that day.

"(d) When a holiday is less than a full day, proportionate credit will be given under paragraph (a), (b), or (c) of this section."

SEC. 2. The amendment to Executive Order 10358 ordered by section 1 of this order, shall be effective upon issuance of this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 27, 1965.

[F.R. Doc. 65-5772; Filed, May 28, 1965; 11:40 a.m.]

[1] 3 CFR, 1949–1953 Comp., p. 875; 17 F.R. 5269.

Rules and Regulations

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 38, 2d Rev.]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

In the FEDERAL REGISTER of April 29, 1965 (30 F.R. 6030), the Internal Revenue Service, Department of the Treasury, in conjunction with the Maritime Administration, published regulations (T.D. 6820) pursuant to section 511, Merchant Marine Act of 1936, as amended, codified as Part 2 of Title 26 of the Code of Federal Regulations, entitled "Maritime Construction Reserve Fund."

This revision of Part 287 of Title 46 is a recodification of 26 CFR Part 2. In this revision § 287.4 incorporates the form of application referred to in 26 CFR 2.1–4. Since the form of application is incorporated herein, General Order 55, heretofore assigned to said form of application, is hereby cancelled.

Sec.

AUTHORITY: The provisions of this Part 287 issued under secs. 204, 511, 49 Stat. 1987, as amended, 54 Stat. 1106, as amended; 46 U.S.C. 1114, 1161.

§ 287.1 Definitions.

(a) As used in the regulations in this part, except as otherwise expressly provided—

(1) "Act" means the Merchant Marine Act, 1936, as amended (46 U.S.C., ch. 27).

(2) "Section" means one of the sections of the regulations in this part.

(3) "Administration" means the Maritime Administration of the Department of Commerce as created by Reorganization Plan No. 21 of 1950 (46 U.S.C. 1111 note).

(4) "Citizen" means a person who, if an individual, was born or naturalized as a citizen of the United States or, if other than an individual, meets the requirements of section 905(c) of the Act and section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

(5) "Taxpayer" means a citizen who has established or seeks to establish a construction reserve fund under the provisions of section 511 of the Act and the regulations in this part, and may include a partnership.

(6) "Corporation" includes associations, joint-stock companies and insurance companies.

(7) "Stock" includes the shares in an association, joint-stock company, or insurance company.

(8) "Affiliate" or "associate" means a person directly or indirectly controlling, controlled by, or under common control with, another person.

(9) "Control", as used in subparagraph (8) of this paragraph, means the possession of the power to direct in any manner the management and policies of a person, and the terms "controlling" and "controlled" shall have the meanings correlative to the foregoing.

(10) "Person" means an individual, a corporation, a partnership, an association, an estate, a trust, or a company.

(11) "Partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization.

(12) "Construction", if so determined by the Administration, shall include reconstruction and reconditioning.

(13) "Reconstruction and reconditioning" shall include the reconstruction, reconditioning, or modernization of a vessel for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf, if the Administration determines that the objectives of the Act will be promoted by such reconstruction, reconditioning, or modernization, and, notwithstanding any other provisions of law, such vessel shall be deemed to be a "new vessel" within the meaning of section 511 of the Act for such reconstruction, reconditioning, or modernization.

(14) "Purchase-money indebtedness" means any indebtedness, or evidence thereof, created as the result of the purchase of a vessel by the taxpayer.

(15) "Contract", "contract for the construction", and "construction contract" shall include, if so determined by the Administration, a contract for reconstruction or reconditioning and shall include, in the case of a taxpayer who constructs a new vessel in a shipyard owned by such taxpayer, an agreement, between such taxpayer and the Administration with respect to such construction, and containing provisions deemed necessary or advisable by the Administration to carry out the purposes and policy of section 511 of the Act.

(b) Insofar as the computation and collection of taxes are concerned, other terms used in the regulations in this part, except as otherwise provided, have the same meaning as in the Internal Revenue Code and the regulations thereunder.

§ 287.2 Scope of section 511 of the Act and the regulations in this part.

(a) *Applicability of regulations.* The regulations prescribed in this part—

(1) Apply to gain realized from the sale or loss of vessels, earnings from the operation of vessels, and interest (or otherwise) with respect to amounts previously deposited in the construction reserve fund, for a taxable year beginning after December 31, 1964, and

(2) Apply to the expenditure, obligation, or withdrawal, during a taxable year beginning after December 31, 1964, of any deposits of gain, earnings, and interest (or otherwise) of the character referred to in subparagraph (1) of this paragraph without regard to the taxable year in which the deposits were made.

(b) *Nonrecognition and accumulation.* Section 511 of the Act provides, under conditions specified, for the nonrecognition, for income and excess-profits tax purposes, of the gain realized from the sale or indemnification for loss of certain vessels including certain vessels in the course of construction, or shares therein. It also permits the accumulation of the proceeds of such sales or indemnification and of certain earnings without liability under part I (section 531 and following), subchapter G, chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder (26 CFR §§ 1.531 through 1.537–1 (Income Tax Regulations)).

(c) *Availability of benefits.* The benefits of section 511 of the Act are available to any citizen as defined in paragraph (a)(4) of § 287.1, who, during any taxable year owns, in whole or in part, a vessel or vessels within the scope of § 287.3. A citizen operating such a vessel or vessels owned by any other person or persons can derive no benefit from the provisions relating to the nonrecognition of gain from the sale or loss of such vessel or vessels so owned, but may establish a construction reserve fund in which he may deposit earnings from the operation of such vessel or vessels.

(d) *Applicability of section 511.* Section 511 of the Act applies only with respect to sales or losses of vessels within the scope of § 287.3 or in respect of earnings derived from the operation of such

vessels. A loss to be within section 511 of the Act must be an actual or constructive total loss. Whether there is a total loss, actual or constructive, will be determined by the Administration.

§ 287.3 Requirements as to vessel operations.

Section 511 of the Act applies with respect to vessels operated in the foreign or domestic commerce of the United States or in the fisheries of the United States and vessels acquired or being constructed for the purpose of such operation. The foreign commerce of the United States includes commerce or trade between the United States (including the District of Columbia), the territories and possessions which are embraced within the coastwise laws, and a foreign country or other territories and possessions of the United States. The domestic commerce of the United States includes commerce or trade between ports of the United States and its territories and possessions, embraced within the coastwise laws and on inland rivers. The fisheries include the fisheries of the United States and its territories and possessions. Section 511 of the Act does not apply to vessels operated in the foreign commerce or fisheries of any country other than the United States.

§ 287.4 Application to establish fund.

(a) Any person claiming to be entitled to the benefits of section 511 of the Act may make application, in writing, to the Administration for permission to establish a construction reserve fund. The original application shall be executed and verified by the taxpayer, or if the taxpayer is a corporation, by one of its principal officers, in triplicate, and shall be accompanied by eight conformed copies when filed with the Administration.

(b) Form of application:

APPLICATION FOR PERMISSION TO ESTABLISH A CONSTRUCTION RESERVE FUND UNDER SEC. 511, MERCHANT MARINE ACT, 1936, AS AMENDED

The undersigned applicant, _____, hereby applies, under section 511, Merchant Marine Act, 1936, as amended, and the regulations prescribed by the Secretary of Commerce, acting by and through the Maritime Administrator (hereinafter referred to as "Administrator") (46 CFR Part 287) and the Secretary of the Treasury, Internal Revenue Service (26 CFR Part 2) for permission to establish a construction reserve fund to be used for the construction or acquisition of a new vessel or vessels as defined by subsection (a) of said section 511, and submits in support of its application the following information:

A. *Identity and nationality of applicant.*

1. Exact name.

2. Status (individual, partnership, corporation, etc.).

3. Give the place of incorporation—whether under the laws of the United States, or of a State, Territory, District, or possession thereof.

4. Address of principal executive offices.

5. A statement, if applicant is an individual or a partnership, should be attached to the application in affidavit form, containing information that applicant is a citizen of the United States by virtue of birth in the United States, naturalization, etc.; give place and date of birth and/or naturalization; if derivative U.S. citizenship is alleged through naturalization of parent while a minor, the number, date and place of issue of the certificate of derivative citizenship of applicant should be cited together with any other pertinent details relative thereto.

6. (a) The name, office, and nationality of each officer and director of the applicant owning shares of stock in the corporation should be submitted together with the number and class of capital shares owned.

(b) In order that the U.S. citizenship status of a corporation applicant may be determined by the Administration, an affidavit as set forth in 32A CFR AGE–2 shall be furnished together with a current copy of the Articles or Certificate of Incorporation certified by the Secretary of the State where incorporated (or appropriate officer, if other than a State, as provided in "A.3" above), and a copy of the current By-Laws certified by the Secretary of the Corporation.

7. The name, address and nationality of, and number and class of capital shares owned by, each person not named in answer to Item 6, owning of record, or beneficially if known, 5 percent or more of the outstanding capital shares of any class of the applicant. (The applicant shall be required, upon request, to furnish such additional data as may be deemed necessary to establish the U.S. citizenship of the applicant pursuant to section 2, Shipping Act, 1916, or section 905(c), Merchant Marine Act, 1936, as amended.)

8. A brief statement of the general effect of each voting agreement, voting trust, or other arrangement whereby the voting rights in any shares of the applicant are owned, controlled or exercised, or whereby the control of the applicant is in any way held or exercised by any person not the holder of legal title to such shares. Give the name, address, nationality, and business of any such person, and, if not an individual, the form of organization.

B. *Business of the applicant and proposed use of the new vessel.*

9. A brief description of (a) the shipping business, or (b) the fishing business, and (c) any other business activities of the applicant.

10. If engaged in the domestic or foreign commerce of the United States, full details concerning the services, routes, or lines on which vessels owned or chartered by the applicant are or have been operated.

11. If applicant is engaged in the fisheries of the United States, full details concerning the location of the fishing operations and the method employed.

C. *Proceeds to be deposited.*

12. If applicant proposes to deposit the proceeds from the sale of a vessel, a description of the transaction from which the funds were obtained, including the name of the vessel sold, name of purchaser, selling price, date and terms of sale, consideration received by the applicant, amount and description of any mortgage or other lien on the vessel at the time of sale, whether such mortgage or lien was satisfied from the proceeds of sale, brief description of vessel as to size, speed, tonnage, etc., age of vessel at the time of sale, and value and accrued depreciation for income tax purposes at time of sale.

13. If applicant proposes to deposit proceeds of indemnity from loss of a vessel, the name of the vessel, date and description of the loss, amount of indemnity and date received, name of underwriter, amount and description of any mortgage or other lien on the vessel at time of loss, whether such mortgage or lien was satisfied from the proceeds of the indemnity, age of vessel at time of loss, brief description of vessel as to size, speed, tonnage, etc., and value and accrued depreciation for income tax purposes at time of loss.

14. If applicant proposes to deposit earnings from the operation of vessels, a statement of the amount of such earnings to be deposited, the period during which earned, and their source, including the vessels, services, routes, or lines involved.

D. *The new vessel*

15. Statement whether applicant proposes: (a) To have a new vessel built to specifications, or (b) to acquire a vessel already constructed or under construction. If the former, and a contract for construction has been entered into at the time of the making of this application, state the date said contract was entered into, the parties thereto, the terms thereof, and date of delivery thereunder. If the latter, give name of vessel, builder, from whom purchased, or to be purchased, date when construction commenced, and date when delivered, or if vessel is still under construction, anticipated date of delivery.

16. The general characteristics of the proposed new vessel, including (a) principal dimensions; (b) gross, net and deadweight tonnage; (c) bale and grain capacities of all cargo holds; (d) capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; (e) number and classes of passenger accommodations; (f) type and power, and in case of steam machinery, the gauge pressure, total temperature, and vacuum expected of propulsive machinery; (g) kind of fuel to be burned; and (h) sustained sea speed at designed load draft.

17. If the proposed new vessel is to operate in the domestic or foreign commerce of the United States, a statement of how it will meet the needs of the service, route or line for which it is intended, with emphasis on the following factors: (a) Cargo accommodations—cargo space and fittings and appliances for handling and stowing cargo; (b) passenger accommodations; (c) construction and design; and (d) accommodations for officers and crews.

18. If the proposed new vessel is to be operated in the fisheries of the United States, a description of the vessel, and a statement of how the vessel will meet the needs of such operations.

19. If the proposed new vessel is intended to replace a vessel or vessels requisitioned or purchased by the United States, a statement of how the proposed replacement vessel will meet the needs of the service, route, line, or use for which it is intended.

20. If the proposed new vessel is less than 2,000 gross tons or of less speed than 12 knots, a description of the features which would make it desirable for use by the United States in case of war or national emergency.

E. *The construction reserve fund.*

21. A description of the deposit or deposits which the applicant proposes to make in the construction reserve fund, including the amounts to be deposited in cash, notes, mortgages or other evidences of indebtedness, irrevocable commitments, or securities, giving reference to the source as described in items C–12, C–13, or C–14.

22. Name and address of proposed depository or depositories for the construction reserve fund.

F. *Taxable year of applicant.*

23. Whether applicant files its Federal income tax return on a calendar year or fiscal year basis and if on the latter, the beginning of its fiscal year.

G. *Exhibits to be furnished.*

24. The following documents shall be filed as exhibits attached to the application:

Exhibit I—If available at the time this application is filed, an authenticated copy of any irrevocable commitment to finance the construction or acquisition of the new vessel proposed to be deposited in the construction reserve fund pursuant to the provisions of 46 CFR § 287.13(d).

Exhibit II—If the applicant is a corporation, a copy of each contract or agreement presently in effect, referred to in answer to Item 8.

H. *Covenants of the applicant.*

25. The applicant hereby agrees as follows:

(a) That the construction reserve fund shall be subject to the provisions of section 511, Merchant Marine Act, 1936, as amended, to the regulations prescribed by the Administrator, and the Secretary of the Treasury with respect to the establishment, maintenance, expenditure, and use of such fund, and to such resolutions as may be adopted by the Administrator with respect to such fund;

(b) That it will furnish copies of any contracts entered into for the construction or acquisition of new vessels which the Administrator may require;

(c) That it will furnish hull plans and specifications, machinery plans and specifications, and data with respect to communication facilities if and to the extent required by the Administrator; and

(d) If no contract for the construction of a new vessel as set forth in Paragraph D, sub-division 15(a) hereof, has been entered into at the time of making of this application, it will, upon entering into said contract, furnish to the Administrator the date thereof, the parties thereto, the terms thereof and date of delivery thereunder.

Name of applicant:

(Date)

By ---

(Name, typed)

(Title)

(Signature)

I, ---, certify that I am the ---

(Title of office) (Exact name of applicant)

the applicant on whose behalf I am authorized to execute the foregoing application and agreements; that the applicant is a citizen of the United States, in accordance with the requirements of the Merchant Marine Act, 1936, as amended; that this application is made for the purpose of inducing the Secretary of Commerce, represented by the Maritime Administrator to grant to the applicant, pursuant to the provisions of section 511 of the Merchant Marine Act, 1936, as amended, and the regulations promulgated by the Secretary of the Treasury and the Maritime Administrator thereunder, with all of which I am familiar, permission to establish a construction reserve fund; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

Date:

(Name)

(Title)

(Signature)

Attention: A false statement in this application is punishable by law (18 U.S.C. 1001).

INSTRUCTIONS AS TO PREPARATION OF APPLICATION

1. Applications shall be prepared in the form provided according to the lettered items and serially numbered paragraphs. They must be signed and sworn to as provided. Eleven copies of the applications shall be filed with the Maritime Administrator, at least one copy of which shall be signed.

2. Each application shall be complete. Items or part of items which are inapplicable may, however, be omitted. The information required by Article 25 need be furnished only as stated in that item. The applicant may incorporate by specific reference information previously furnished the Maritime Administrator provided that such information so incorporated shall have been furnished at least in triplicate.

3. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

4. Any additional information called for by the Maritime Administrator from time to time shall be furnished as an amendment or amendments to the application. The original and 11 copies of each amendment shall be filed, shall refer to the application, and shall be identified as an amendment and dated. Without any specific request from the Maritime Administrator the applicant shall file from time to time as amendments any information necessary to keep the information contained therein or furnished in connection therewith current and correct while the application is pending.

§ 287.5 Tentative authorization to establish fund.

Where the time between the receipt by the Administration of the application for permission to establish a construction reserve fund and the date prior to which an amount received from the sale or loss of a vessel must be deposited to come within the scope of section 511 of the Act is insufficient to permit a determination of the eligibility of the applicant, the Administration may tentatively authorize the establishment of a construction reserve fund and the deposit of such amount therein. Such tentative authorization shall be subject to rescission by the Administration if subsequently it is determined that the applicant is not entitled to the benefits of section 511 of the Act, or has not complied with the statutory requirements. For example, a tentative authorization will be rescinded if the Administration ascertains that the applicant is not a citizen. Upon such determination, the fund shall be closed and all amounts on deposit therein shall be withdrawn.

§ 287.6 Establishment of fund.

(a) *Authorization by the Administration.* If the application is approved by the Administration, the Administration will adopt Orders authorizing the establishment of a construction reserve fund with the depository or depositories designated by the taxpayer and approved by the Administration. The Orders will provide for joint control by the Administration and the taxpayer over such fund, will set forth the conditions governing the establishment and maintenance of the fund and the making of deposits therein and withdrawals therefrom, and will designate the representatives authorized to execute instruments of withdrawal on behalf of the Administration.

(b) *Resolution or agreement of the taxpayer.* A certified copy of the Orders of the Administration will be furnished the taxpayer. If the taxpayer is a corporation, it shall promptly adopt, through its board of directors, a resolution satisfactory in form and substance to the Administration, authorizing the establishment and maintenance of the fund in conformity with the action of the Administration. If the taxpayer is not a corporation, it shall promptly execute an agreement with the depository satisfactory in form and substance to the Administration to conform to the action of the Administration as set forth in the Orders. Certified copies of the Orders of the Administration and of the resolution of the taxpayer (if it is a corporation) will be furnished to the depository by the Administration and the taxpayer, respectively, for its guidance in maintaining the fund and honoring instruments of withdrawal. The taxpayer, if a corporation, shall also furnish the Administration with a certified copy of its resolution, or if not a corporation, a duplicate original of its agreement with the depository.

NOTE: The resolutions referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator.

(c) *Constructive action not recognized.* Constructive deposits, substitutions or withdrawals will not be recognized by the Administration in the establishment and maintenance of the fund.

(d) *Failure to make deposits as basis for termination of fund.* In the event no deposit is made into the fund for more than five years, any amounts remaining in the fund shall be removed from the fund at the discretion of the Administration and, if so removed, the fund shall be terminated. In the event of such termination, see § 287.23 for recognition of gain.

§ 287.7 Circumstances permitting reimbursement from a construction reserve fund.

(a) *Payments prior to establishment of fund.* If, prior to the establishment of a construction reserve fund under the regulations in this part, a taxpayer has made necessary payments under a contract which satisfies the provisions of the regulations in this part and section 511 of the Act for the construction or acquisition of a new vessel, such taxpayer may, if subsequently authorized to establish a construction reserve fund under the regulations in this part, draw against such fund as reimbursement for the amount, if any, of other funds which, with the approval or ratification of the Administration, the taxpayer used for making such necessary payments prior to the establishment of the fund.

(b) *Payments subsequent to establishment of fund.* If, subsequent to the establishment of a construction reserve fund under the regulations in this part, the taxpayer has made necessary payments under a contract which satisfies the provisions of the regulations in this part and section 511 of the Act for the construction or acquisition of a new vessel, such taxpayer may draw against such fund as reimbursement for the amount, if any, of other funds which, with the approval or ratification of the Administration, the taxpayer had used for the purpose of making such necessary payments.

§ 287.8 Investment of funds in securities.

(a) *Obligations of or guaranteed by the United States.* Interest-bearing di-

rect obligations of the United States, or obligations fully guaranteed as to principal and interest by the United States may be deposited in the construction reserve fund in lieu of cash, may be purchased with cash on deposit in the fund, or may be substituted for securities or commitment to finance in the fund, subject to the provisions of paragraph (b) of this section.

(b) *Other securities.* In cases where the taxpayer desires to deposit any securities in the fund in lieu of cash other than those of or guaranteed by the United States or to purchase such other securities with cash on deposit in the fund, or to substitute such other securities for securities or commitment to finance in the fund, the taxpayer shall make written application to the Administration and shall not consummate the transaction until the written consent of the Administration shall have been received. The application shall describe the securities fully. Every approval by the Administration of such application shall be conditioned upon agreement by the taxpayer forthwith to dispose of such securities upon subsequent request by the Administration. Immediately upon the purchase of any securities for deposit in the fund, the taxpayer shall advise the Administration, giving the date of purchase, a description of the securities, and the price paid therefor (net, brokerage and other charges, and gross). Ordinarily, the Administration will not approve the deposit in the fund in lieu of cash, or the purchase with cash on deposit in the fund or the substitution for securities in the fund of securities not actively traded in on exchanges registered under the Securities Exchange Act of 1934 (15 U.S.C. ch. 2B), or securities which are not legal for investment of trust funds. Whenever the Administration approves the substitution of other securities for securities in the fund, such substitution shall be effected only upon or after the deposit of the substituted securities into the fund.

(c) *Cash.* Cash may be substituted for amounts which are on deposit in the fund in any other form.

(d) *Devalued securities.* In the event the Administration determines that the market value at any date of any securities in the fund has decreased to a figure which is less than 90 percent of the market value at the time of deposit into the fund, then within 60 days after the taxpayer receives notice of such determination the taxpayer shall (except as otherwise provided in this paragraph) deposit into the fund cash or securities in an amount equal to the difference between the current market value of the devalued securities and the market value of such securities at the time of their original deposit. However, if any securities in the fund are valued at the time of their deposit at less than the market value of such securities at the time of their deposit the taxpayer shall be required to deposit only an amount equal to that portion of the difference between the current market value of the devalued securities and the market value of such securities at the time of their original deposit which bears the same ratio to such total difference as the amount at which the securities were valued at the time of their deposit bears to the market value at the time of such deposit.

§ 287.9 Valuation of securities in fund.

(a) *Equivalent values.* In cases where securities are deposited in the fund in lieu of cash, or are purchased with cash on deposit in the fund, or are substituted for securities in the fund, the value of such securities must not be less than the amount of cash in lieu of which they are so deposited or with which they are so purchased, or the value at the time of deposit of the securities for which they were so substituted. If the securities on deposit in the fund are replaced by cash from the general funds of the taxpayer, the amount of cash to be deposited in the fund in lieu thereof shall be not less than the amount at which such securities were valued at the time of their deposit in the fund.

(b) *Determination of value.* (1) For the purpose of determining the amount in the fund, the value of securities shall be their "market value" (which shall be the basis for determining value, unless otherwise agreed to by the administration) and shall be determined in the following manner:

(i) In instances where no actual purchase is involved, such as the initial deposit of securities in the fund in lieu of cash, the last sales price thereof on the principal exchange on the day the deposit was made shall be deemed to be the "market value" thereof, or, if no such sales were made, the "market value" thereof will be determined by the Administration on such basis as it may deem to be fair and reasonable in each case.

(ii) In instances where the purchase of securities with cash on deposit in the fund is involved, "market value" shall be the gross price paid (adjusted for accrued interest); *Provided,* That if such securities are purchased otherwise than upon a registered exchange the price shall be within the range of transactions on the exchange on the date of such purchase, or, if there were no such transactions, then the "market value" thereof will be determined by the Administration on such basis as it may deem to be fair and reasonable in each case.

(2) Purchase-money obligations secured by mortgages on vessels sold or irrevocable commitments to finance the construction or acquisition of new vessels which are deposited in the construction reserve fund as provided in § 287.13 ordinarily will be considered as equivalent to their face value.

§ 287.10 Withdrawals from fund.

(a) *Withdrawals for obligations or liquidation.* (1) Checks, drafts, or other instruments of withdrawal to meet obligations under a contract for the construction or acquisition of new vessel or vessels or for the liquidation of existing or subsequently incurred purchase-money indebtedness, after having been executed by the taxpayer, shall be forwarded to the Administration in Washington, D.C., with appropriate explanation of the purpose of the proposed withdrawal, including properly certified invoices or other supporting papers. Such instruments of withdrawal, if payable to the Administration, will be deposited by the Administration for collection, and the proceeds thereof, upon collection, will be credited to the appropriate contract with the Administration; but if drawn to the order of payees other than the Administration, after countersignature on behalf of the Administration, will ordinarily be forwarded to the payees.

(2) An amount obligated under a contract for the construction or acquisition of a new vessel or vessels or for the liquidation of existing or subsequently incurred purchase-money indebtedness, whether the obligor has the entire or a partial interest therein within the scope of section 511 of the Act, may not, so long as the contract or indebtedness continues in full force and effect, be withdrawn except to meet payments due or to become due under such contract or for such liquidation.

(b) *Other withdrawals.* Checks, drafts, or other instruments of withdrawal executed by the taxpayer for purposes other than to meet obligations under a contract for the construction or acquisition of a new vessel or vessels or for the liquidation of existing or subsequently incurred purchase-money indebetedness, whether the taxpayer has the entire or a partial interest therein, shall be drawn by the taxpayer to its own order and forwarded to the Administration in Washington, D.C., with appropriate explanation of the purpose of the proposed withdrawal. Such withdrawals may occur by reason of a determination by the Administration that the taxpayer is not entitled to the benefits of section 511 of the Act (see § 287.5), or that a particular deposit has been improperly made (see § 287.13), or by reason of the election of the taxpayer to make such withdrawals. Upon receipt of such checks, drafts, or other instruments of withdrawal, the Administration will give notice thereof to the Commissioner of Internal Revenue. The Commissioner will advise the Administration of the receipt of the notice and the date it was received. The Administration shall not countersign such checks, drafts, or other instruments of withdrawal or transmit them to the taxpayer until the expiration of 30 days from the date of receipt of the notice by the Commissioner, unless the Commissioner or such official of the Internal Revenue Service as he may designate for the purpose consents in writing to earlier countersignature by the Administration and transmittal to the taxpayer. Upon the expiration of such 30-day period, or prior thereto if the aforesaid consent of the Commissioner has been obtained, the Administration will countersign the check, draft, or other instrument of withdrawal and forward it to the taxpayer.

(c) *Inapplicability to certain transactions.* The provisions of this section shall not be applicable to transactions deemed to be withdrawals by reason of the sale of securities held in the fund for an amount less than the market value thereof at the time of their deposit (see § 287.23), nor to the cancellation of an irrevocable commitment deposited in the

fund, upon proof satisfactory to the Administration that the terms of such commitment have been fully satisfied.

§ 287.11 Time deposits.

Deposits in the construction reserve fund not invested in securities may be placed in time deposits when, in the judgment of the taxpayer, it is desirable and feasible so to do. The taxpayer shall promptly advise the Administration of any time deposit arrangements made with the depository. The Administration reserves the right at any time to require the termination or modification of any such arrangements. With prior approval of the Administration a time deposit may be made in a depository other than the one with which the construction reserve fund is established.

§ 287.12 Election as to nonrecognition of gain.

(a) *Election requirements.* As a prerequisite to the nonrecognition of gain on the sale or loss of a vessel (or of a part interest therein) for Federal income tax purposes, the taxpayer, after establishing a construction reserve fund, must make an election with respect to such vessel or interest in the manner set forth in this paragraph.

(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the election must be made in the taxpayer's Federal income tax return (or, in the case of a partnership, in the partnership return of income) for the taxable year in which the gain with respect to the sale or loss of the vessel is realized. The election as to the nonrecognition of gain shall be shown by a statement to that effect, submitted as a part of, and attached to, the return. The statement, which need not be on any prescribed form, shall set forth a computation of the amount of the realized gain, the identity of the vessel, the nature and extent of the taxpayer's interest therein, whether such vessel was sold or lost and the date of sale or loss, the full sale price or full amount of indemnity, and the amount and date of each payment thereof, the basis of tax purposes and any other data affecting the determination of the realized gain.

(2) *Certain Government payments.* In case a vessel is purchased or requisitioned by the United States, or is lost, in any taxable year and the taxpayer receives payment for the vessel so purchased or requisitioned, or receives from the United States indemnity on account of such loss, subsequent to the end of such taxable year, the taxpayer shall make his election by filing notice thereof with the Commissioner of Internal Revenue, Washington, D.C., 20224, prior to the expiration of 60 days after receipt of the payment or indemnity. The taxpayer shall file a copy of the notice with the Secretary, Maritime Administration, Washington, D.C., 20235. The form of the notice of election shall be prepared by the taxpayer and shall be substantially as follows:

ELECTION RELATIVE TO NONRECOGNITION OF GAIN UNDER SECTION 511(c)(2), MERCHANT MARINE ACT, 1936

Pursuant to the provisions of section 511 (c)(2) of the Merchant Marine Act, 1936, as amended, notice is hereby given that the undersigned taxpayer elects that gain in respect of the sale to the United States, or indemnification received from the United States on account of the loss, of the vessel named below or share therein shall not be recognized. The circumstances involved in the computation of such gain are as follows:

Name and other identification of vessel_____
_____

Nature and extent of the taxpayer's interest in the vessel_____

Nature of disposition, i.e., sale or loss_____
_____

Date of disposition_____
_____

Full sale price or full amount of indemnity received by taxpayer_____

Amount and date of each payment of sale price or indemnity received by taxpayer__
_____

Amount and date of each previous deposit of such payments in construction reserve fund _____
_____

Identification of each check or other instrument by which payment made to taxpayer _____

Tax basis of taxpayer's interest in vessel____
_____

Any other data affecting the determination of the realized gain_____
Amount of gain (submit computation)_____
_____

_____
(Name of taxpayer)

By _____

_____
(Date of execution)

§ 287.13 Deposit of proceeds of sales or indemnities.

(a) *Manner of deposit.* The deposit required by section 511 of the Act must be made in a construction reserve fund established with a depository or depositories approved by the Administration and subject to the joint control of the Administration and the taxpayer. It is not necessary to establish a separate fund with respect to each vessel or share in a vessel sold or lost.

(b) *Amount of deposit.* With respect to any vessel sold or lost, or a share therein, the deposit must be in an amount equal to the "net proceeds" of the sale, or the "net indemnity" for the loss. By "net proceeds" and "net indemnity" is meant (1) the depositor's interest in the adjusted basis of the vessel plus (2) the amount of gain which would be recognized for tax purposes in the absence of section 511 of the Act. In determining "net proceeds", the amount necessarily paid or incurred for brokers' commissions is to be deducted from the gross amount of the sales price. In the event the taxpayer is an affiliate or associate of the buyer, the amount of the sales price shall not exceed the fair market value of the vessel or vessels sold as determined by the Administration. In such case the taxpayer shall furnish evidence sufficient, in the opinion of the Administration, to establish that the sales price is not in excess of the fair market value. In determining "net indemnity", the amount necessarily paid or incurred purely for collection, or rate of exchange discounts on the payment, of the indemnity is to be deducted from the gross amount of collectible indemnity. In case of the sale or loss of several vessels or share therein, a deposit of the "net proceeds" or "net indemnity" with respect to one or more of the vessels or shares is permissible. Where several vessels or shares are sold for a lump sum, the "net proceeds" allocated to each vessel or share shall be determined in accordance with any reasonable rule satisfactory to the Commissioner of Internal Revenue. The taxpayer must deposit the full amount of each payment (including cash, notes, or other evidences of indebtedness) as a single deposit in the construction reserve fund. A payment divided between two or more depositories will be regarded as a single deposit. Amounts received by the taxpayer prior to the date of consummation of the sale of the vessel shall be considered as having been received by the taxpayer at the time the sale is consummated.

(c) *Purchase-money obligations.* Where the proceeds from the sale of a vessel include purchase-money obligations, such obligations together with the entire collateral therefor, or, in the case of deposit of the proceeds of a share in the vessel, a proportionate part of the obligations and collateral as determined by the Administration, shall be deposited, with the remainder of the proceeds, in the construction reserve fund as a part of the "net proceeds". The depository shall receive payment of all amounts due on such purchase-money obligations and such amounts shall be placed in the fund in substitution for the portion of the obligations paid. All installments of purchase-money obligations shall be paid directly into the fund by the obligor. In the event any such installment is not so deposited, the Administration, at any time after the due date, may require the taxpayer to deposit an amount equal to such installment. If the taxpayer so desires, he may deposit in the construction reserve fund cash or approved securities in an amount equal to the face value of any purchase-money obligations in lieu of depositing such obligations.

(d) *Vessel subject to mortgage at time of sale or loss.* Where a vessel is subject to a mortgage or other encumbrance at the time of its sale or loss and the taxpayer actually receives only an amount representing the equity therein or a share in such equity corresponding to his share in the vessel, he shall deposit in the construction reserve fund such amount and concurrently therewith other funds in an amount equal to the difference between the amount received and the "net proceeds" or "net indemnity". Such other funds may be in the form of cash, or, subject to the approval of the Administration, (1) interest-bearing securities, or (2) an irrevocable and unconditional commitment to finance the construction or acquisition of a new vessel in whole or in part by an obligor approved by the Administration in an amount equal to the amount by which the "net proceeds" exceed the cash or securities deposited in the fund.

(e) *Unauthorized deposits.* A deposit which is not provided for by section 511 of the Act shall, without unreasonable delay, be withdrawn from the fund and tax liability will be determined as though such deposit had not been made. (See §§ 287.10 and 287.24.)

§ 287.14 Deposit of earnings and receipts.

(a) *Earnings.* A citizen may deposit all or any part of earnings derived from the operation, within the scope of § 287.3, of a vessel or vessels owned either by himself or any other person, if such earnings are intended for construction or acquisition of new vessels. Such earnings may include payments received by an owner, as compensation for use of his vessel, from other persons by whom it is so operated. Earnings from other sources may not be deposited. The earnings from operation of vessels which are eligible for deposit are the net earnings determined without regard to any deduction for depreciation, obsolescence, or amortization with respect to such vessels.

(b) *Receipts.* Receipts from deposited funds, in the form of interest or otherwise, may be deposited.

§ 287.15 Time for making deposits.

(a) *Proceeds of sale or indemnification.* Deposits of amounts representing proceeds of the sale or indemnification for loss of a vessel or share therein must be made within 60 days after receipt by the taxpayer.

(b) *Earnings and receipts.* Earnings and receipts for the taxable year may be deposited at any time. (See § 287.14.)

§ 287.16 Tax liability as to earnings deposited.

Deposit in the construction reserve fund of earnings from the operation of a vessel or vessels, or receipts, in the form of interest or otherwise, with respect to amounts previously deposited does not exempt the taxpayer from tax liability with respect thereto nor postpone the time such earnings or receipts are includible in gross income. Earnings and receipts deposited in a construction reserve fund established in accordance with the provisions of section 511 of the Act and the regulations in this part will be deemed to have been accumulated for the reasonable needs of the business within the meaning of part 1 (section 531 and following), subchapter G, chapter 1 of the Internal Revenue Code of 1954, so long as the requirements of section 511 of the Act and the regulations in this part are satisfied relative to the use of the fund in the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels. For incurrence of tax liability due to noncompliance with the requirements of section 511 of the Act and the regulations in this part with respect to deposits in the construction reserve fund, see the provisions of § 287.23.

§ 287.17 Basis of new vessel.

The basis for determining gain or loss and for depreciation for the purpose of the Federal income tax with respect to a new vessel constructed, reconstructed, reconditioned, or acquired by the taxpayer, or with respect to which purchase-money indebtedness is liquidated as provided in section 511(g) of the Act, with funds deposited in the construction reserve fund, is reduced by the amount of the unrecognized gain represented in the funds allocated under the provisions of the regulations in this part to the cost of such vessel. (See § 287.18.)

§ 287.18 Allocation of gain for tax purposes.

(a) *General rules of allocation.* As provided in § 287.17, if amounts on deposit in a construction reserve fund are expended, obligated, or withdrawn for construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness of such vessels, the portion thereof which represents gain shall be applied in reduction of the basis of such new vessels. The rules set forth below in this paragraph shall apply in allocating the unrecognized gain to the amounts so expended, obligated, or withdrawn:

(1) If the "net proceeds" of a sale or "net indemnity" in respect of a loss are deposited in more than one deposit, the portion thereof representing unrecognized gain shall be considered as having been deposited first.

(2) Amounts expended, obligated, or withdrawn from the construction reserve fund shall be applied against amounts deposited in the order of deposit.

(3) If any deposit consists in part of gain not recognized under section 511(c) of the Act, then any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the same proportion that the part of the deposit which constitutes gain bears to the total amount of the deposit.

(b) *Date of obligation.* The date funds are obligated under a contract for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, rather than the date of payment from the fund, will determine the order of application against the deposits in the fund. When a contract for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels is entered into, amounts on deposit in the construction reserve fund will be deemed to be obligated to the extent of the amount of the taxpayer's liability under the contract. Deposits will be deemed to be so obligated in the order of deposit, each new contract obligating the earliest deposit not previously expended, obligated, or withdrawn. If the liability under the contract exceeds the amount in the construction reserve fund, the contract will be deemed to obligate, to the extent of that part of such excess not otherwise satisfied, the earliest deposit or deposits thereafter made.

(c) *Illustration.* The foregoing rules are illustrated in the following example:

Example. (1) A taxpayer who makes his returns on the calendar year basis sells a vessel in 1963 for $1,000,000, realizing a gain of $400,000. Payment of $100,000 is received in March 1963 when the contract is signed, and the balance of $900,000 is received in June 1963 on delivery of the vessel. The $1,000,000 is deposited in a construction reserve fund in July 1963. In December 1963, the taxpayer also deposits $150,000, representing earnings of that year. In 1964, he sells another vessel for $1,000,000, realizing a gain of $250,000. The sale price of $1,000,000 is received on delivery of the vessel in February 1964, and deposited in the construction reserve fund in March 1964. In September 1964, the taxpayer purchases for cash out of the construction reserve fund a new vessel for $1,750,000. To the cost of this vessel must be allocated the 1963 deposits of $1,150,000 and $600,000 of the March 1964 deposit. This leaves in the fund $400,000 of the March 1964 deposit. The amount of the unrecognized gain to be applied against the basis of the new vessel is $550,000, computed as follows: Gain of $400,000 represented in the 1963 deposits, plus the same proportion of the $250,000 gain represented in the March 1964 deposit ($1,000,000) which the amount ($600,000) allocated to the vessel is of the amount of the deposit, i.e., $400,000 plus 600,000/1,000,000 of $250,000 or $150,000, a total of $550,000. This reduces the basis of the new vessel to $1,200,000 ($1,750,000 less $550,000).

(2) In 1965, the taxpayer sells a third vessel for $3,000,000, realizing a gain of $900,000. The $3,000,000 is received and deposited in the construction reserve fund in June 1965, making a total in the fund of $3,400,000. In December 1965, the taxpayer contracts for the construction of a second new vessel to cost a maximum of $3,200,000, thereby obligating that amount of the fund, and in June 1966, receives permission to withdraw the unobligated balance amounting to $200,000. To the cost of the second new vessel must be allocated the $400,000 balance of the March 1964 deposit and $2,800,000 of the June 1965 deposit. The unrecognized gain to be applied against the basis of such new vessel is that proportion of the gain represented in each deposit which the portion of the deposit allocated to the vessel bears to the amount of such deposit, i.e., 400,000/1,000,000 of $250,000, or $100,000 plus 2,800,000/3,000,000 of $900,000, or $840,000 making a total of $940,000. The $200,000 withdrawal is applied against the June 1965 deposit and the portion thereof which represents gain will be recognized as income for 1965, the year in which realized. The computation of the recognized gain is as follows: 200,000/3,000,000 of $900,000, or $60,000.

§ 287.19 Requirements as to new vessels.

(a) *Requirements.* For the purposes of section 511 of the Act and the regulations in this part, the new vessel must be—

(1) Documented under the laws of the United States when it is acquired by the taxpayer, or the taxpayer must agree that when acquired it will be documented under the laws of the United States;

(2) (i) Constructed in the United States after December 31, 1939, or (ii) its construction has been financed under Title V or Title VII of the Act, or (iii) its construction has been aided by a

mortgage insured under Title XI of the Act; and

(3) Either (i) of such type, size, and speed as the Administration determines to be suitable for use on the high seas or Great Lakes in carrying out the purposes of the Act, but of not less than 2,000 gross tons or of less speed than 12 knots, except that a particular vessel may be of lesser tonnage or speed if the Administration determines and certifies that the particular vessel is desirable for use by the United States in case of war or national emergency, or (ii) constructed to replace a vessel or vessels requisitioned or purchased by the United States, in which event it must be of such type, size, and speed as to constitute a suitable replacement for the vessel requisitioned or purchased, but if a vessel already built is acquired to replace a vessel or vessels requisitioned or purchased by the United States, such vessel must meet the requirements set forth in subdivision (i) of this subparagraph. Ordinarily, under subdivision (i) of this subparagraph, a vessel constructed more than five years before the date on which deposits in a construction reserve fund are to be expended or obligated for acquisition of such vessel will not be considered suitable for use in carrying out the purpose of the Act, except that the five-year age limitation provided above in this sentence shall not apply to a vessel to be reconstructed before being placed in operation by the taxpayer.

(b) *Time of construction.* A vessel will be deemed to be constructed after December 31, 1939, only if construction was commenced after that date. Subject to the provisions of this section, a new vessel may be newly built for the taxpayer, or may be acquired after it is built.

(c) *Replacement of vessels.* It is not necessary that vessels shall be replaced vessels for vessel. The new vessels may be more or less in number than the replaced vessels, provided the other requirements of this section are met.

§ 287.20 Obligation of deposits.

(a) *Time for obligation.* Within three years from the date of any deposit in a construction reserve fund, unless extension is granted as provided in § 287.22, such deposit must be obligated under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Administration for a share therein), with not less than 12½ percent of the construction or contract price of the entire vessel or vessels actually paid or irrevocably committed on account thereof or must be expended or obligated for the liquidation of existing or subsequently incurred purchase-money indebtedness to persons other than a parent company of, or a company affiliated or associated with, the mortgagor on a new vessel or vessels. Amounts on deposit in a construction reserve fund will be deemed to be obligated for expenditure when a binding contract of construction or acquisition has been entered into or when purchase-money indebtedness has been incurred and, if obligated under a contract of construction or acquisition, will be deemed to be irrevocably committed when due and payable in accordance with the terms of the contract of construction or acquisition.

(b) *Requirements for obligation.* Unless otherwise authorized by the Administration, contracts for the construction of new vessels must be for a fixed price, or provide for a base price that may be adjusted for changes in labor and material costs not exceeding 15 percent of the base price. The fixed or base price, as the case may be, shall be fair and reasonable as determined by the Maritime Administration. Any financial or other interests between the taxpayer and the contractor shall be disclosed to the Administration by the taxpayer. Plans and specifications for the new vessel or vessels must be approved by the Administration to the extent it deems necessary. A deposit in a construction reserve fund may be expended or obligated for expenditure for procurement under an acquisition or construction contract of a part interest in a new vessel or vessels only after obtaining the written consent of the Administration. The granting of such consent shall be entirely in the discretion of the Administration and it may impose such conditions with respect thereto as it may deem necessary or advisable for the purpose of carrying out the provisions of section 511 of the Act. Applications for such consent shall be executed in triplicate, and, together with eight conformed copies thereof, filed with the Administration.

§ 287.21 Period for construction of certain vessels.

A new vessel constructed otherwise than under the provisions of Title V of the Act, and not purchased from the Administration must, within six months from the date of the construction contract, or within the period of any extension, be completed to the extent of not less than 5 percent as estimated by the Administration and certified by it to the Secretary of the Treasury. In case of a contract covering more than one vessel it will be sufficient if one of the vessels is 5 percent completed within the six months' period from the date of the contract or within the period of any extension, and so certified. All construction must be completed with reasonable dispatch as determined by the Administration. If, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, the Administration will so certify to the Secretary of the Treasury. For the effect of such certification, see § 287.23.

§ 287.22 Time extensions for expenditure or obligation.

(a) *Extensions.* The Administration, upon application and a showing of proper circumstances, (1) may allow an extension of time within which deposits shall be expended or obligated, not to exceed one year, and upon a second application received before the expiration of the first extension, may allow an additional extension not to exceed one year, and (2) may allow an extension or extensions of time within which five percent of the construction shall have been completed as provided in § 287.21 not to exceed one year in the aggregate, and (3) may allow any other extensions that may be provided by amendment to the Act.

(b) *Application required.* A taxpayer seeking an extension of time shall make application therefor, and transmit it with an appropriate statement of the circumstances, including the reasons justifying the requested extension or extensions, and appropriate documents in substantiation of the statement, to the Administration. The Administration will notify the Commissioner of Internal Revenue of any extension granted. In case an application for extension is denied, the taxpayer will be liable for delay as though no application had been made.

§ 287.23 Noncompliance with requirements.

(a) *Noncompliance.* The amount of the gain which is that portion of the construction reserve fund otherwise constituting taxable income under the law applicable to the taxable year in which such gain was realized shall be included in the taxpayer's gross income for such taxable year for income or excess-profits tax purposes, if—

(1) A portion of such fund is withdrawn for purposes other than—

(i) The construction, reconstruction, reconditioning, or acquisition of a new vessel; or

(ii) The liquidation of existing or subsequently incurred purchase-money indebtedness to persons other than a parent company of, or a company affiliated or associated with, the mortgagor on a new vessel or vessels; or

(2) The taxpayer fails to comply with the requirements of section 511 of the Act or the regulations in this part relating to the utilization of construction reserve funds in the construction, reconstruction, reconditioning, or acquisition of a new vessel, or the liquidation of purchase-money indebtedness on such a vessel.

If securities on deposit in a construction reserve fund are sold and the amount placed in the fund in lieu thereof is less than the value of the securities at the time of their deposit, the difference between such market value and the amount placed in the fund in lieu of the securities will be deemed to have been withdrawn. With respect to the substitution of new financing in the case of an irrevocable commitment, see paragraph (d) of § 287.13.

(b) *Amount recognized.* In the event of noncompliance with the prescribed conditions relative to any contract for construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, recognition will extend to the entire amount of the gain represented in that portion of the construction reserve fund obligated under such contract. Thus, if the Administration determines and certifies to the Secretary of the Treasury that for causes within the control of the taxpayer construction under a contract is not completed with reasonable dispatch, the entire amount of the gain represented in

the portion of the construction reserve fund obligated under the contract will be recognized even though all other conditions have been satisfied. In case of noncompliance with the requirements of section 511 of the Act or the regulations in this part, see the provisions of § 287.18 as to the allocation of gain.

(c) *Unreasonable accumulation.* Noncompliance with the provisions of section 511 of the Act or the regulations in this part relative to the utilization of the deposited amounts may also, inasmuch as the provision of section 511(f) of the Act is then inapplicable, warrant an examination to ascertain whether such amounts constitute an unreasonable accumulation of earnings and profits within the meaning of part I (section 531 and following), subchapter G, chapter 1 of the Internal Revenue Code of 1954, or corresponding provisions of prior law. If amounts are deposited and the fund maintained in good faith for the purpose of construction, reconstruction, reconditioning, and acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, such amounts will be deemed to have been accumulated for the reasonable needs of the business.

§ 287.24 Extent of tax liability.

(a) *Declared value excess-profits tax.* Gain which is includible in gross income under § 287.23 shall be included in gross income for all income and excess-profits tax purposes, but not for the purposes of the declared value excess-profits tax and the capital stock tax as provided in section 511(i) of the Act. In lieu of any adjustment with respect to such declared value excess-profits tax, there is imposed for any taxable year ending on or before June 30, 1945, in which the gain is realized an additional tax of 1.1 percent of the amount of the gain. No additional capital stock tax liability is incurred.

(b) *Improper deposits.* In the case of deposits in the construction reserve fund of amounts derived from sources other than those specified in section 511 of the Act, or in the case of failure to deposit an amount equal to the "net proceeds" or "net indemnity" within the period prescribed in section 511(c) of the Act and § 287.15, the taxpayer obtains no suspension or postponement of any tax liability and the tax is collectible without regard to the provisions of section 511(c) of the Act.

(c) *Time for filing claim subsequent to election under section 511(c)(2).* If an election is made under section 511 (c)(2) of the Act, and paragraph (a)(2) of § 287.12, and if computation or recomputation in accordance therewith is otherwise allowable but is prevented, on the date of filing of notice of such election, or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election. If as the result of such computation or recomputation an overpayment is disclosed, a claim for refund on Form 843 should also be filed within such six months' period.

§ 287.25 Assessment and collection of deficiencies.

Any additional tax, including the 1.1 percent amount imposed by section 511(i) of the Act, due on account of withdrawal from a construction reserve fund, or failure to comply with section 511 of the Act or the regulations in this part, is collectible as a deficiency. Interest upon such deficiency will run from the date the withdrawal or noncompliance occurs. The amount of any deficiency, including interest and additions to the tax, determined as a result of such withdrawal or noncompliance, may be assessed, or a proceeding in court for the collection thereof may be begun without assessment, at any time and without regard to any period of limitations or any other provisions of law or rule of law, including the doctrine of res judicata.

§ 287.26 Reports by taxpayers.

(a) *Information required.* With each income tax return filed for a taxable year during any part of which a construction reserve fund is in existence the taxpayer shall submit a statement setting forth a detailed analysis of such fund. The statement, which need not be on any prescribed form, shall include the following information with respect to the construction reserve fund:

(1) The actual balance in the fund at the beginning and end of the taxable year;

(2) The date, amount, and source of each deposit during the taxable year;

(3) If any deposit referred to in subparagraph (2) of this paragraph consists of proceeds from the sale, or indemnification of loss, of a vessel or share thereof, the amounts of the unrecognized gain;

(4) The date, amount, and purpose of each expenditure or withdrawal from the fund; and

(5) The date and amount of each contract, under which deposited funds are deemed to be obligated during the taxable year, for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, and the identification of such vessels.

(b) *Records required.* Taxpayers shall keep such records and make such additional reports as the Commissioner of Internal Revenue or the Administration may require.

NOTE: The records referred to in this section shall be retained for a period of six months beyond the termination or closing out of the reserve fund.

§ 287.27 Controlled corporation.

For the purpose of section 511 of the Act and the regulations in this part a new vessel is considered as constructed, reconstructed, reconditioned, or acquired by the taxpayer if constructed, reconstructed, reconditioned, or acquired by a corporation at a time when the taxpayer owns not less than 95 percent of the total number of shares of each class of stock of the corporation.

§ 287.28 Administrative jurisdiction.

Sections 287.3 to 287.11, inclusive, §§ 287.13 to 287.15, inclusive, and §§ 287.19 to 287.22, inclusive, deal primarily with matters under the jurisdiction of the Administration. Sections 287.12, 287.16 to 287.18, inclusive, and §§ 287.23 to 287.27, inclusive, deal primarily with matters under the jurisdiction of the Commissioner of Internal Revenue. Generally, matters relating to the establishment, maintenance, expenditure, and use of construction reserve funds and the construction, reconstruction, reconditioning, or acquisition of new vessels are under the jurisdiction of the Administration; and matters relating to the determination, assessment, and collection of taxes are under the jurisdiction of the Commissioner of Internal Revenue. Correspondence should be addressed to the particular authority having jurisdiction in the matter.

NOTE: The reporting requirement in § 287.4 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Assistant Deputy Maritime Administrator.

Dated: May 25, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-5643; Filed, May 28, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6320; Amdt. 13-2]

PART 13—ENFORCEMENT PROCEDURES

Hearing Procedure

The purpose of this amendment is to effect improvements and clarifications in the hearing procedure, available at the option of respondents under section 13.19 (c)(4) of Part 13 (14 CFR 13.19). It is based on Notice of Proposed Rule Making 64-50, 29 F.R. 15580.

The amendments proposed for sections 13.45, 13.65, and 13.67 will not be adopted. These proposals would have provided authority for amending the Notice of Proposed Certificate Action to conform the allegations to the proof and to propose more severe action and would have broadened the subsidiary applicability of the Federal Rules of Civil Procedure. Upon further consideration and in light of the adverse comments received it was concluded that the procedural advantages expected from these proposals would be overbalanced by burdens and other disadvantages.

The proposed new section 13.37(b) is being adopted. It states expressly that Hearing Officers may exercise the Administrator's power under sections 313 (c) and 1004(i) of the Act to compel testimony in the face of a valid claim of the privilege against self-incrimination, by conferring immunity.

Section 1004(i) of the Federal Aviation Act (49 U.S.C. 1484) is the version of immunity statute which confers immunity on an individual compelled to testify or produce evidence "after having claimed his privilege against self-incrimination". This form of immunity statute is valid, Smith v. United States, 337 U.S. 137 (1949). Section 313(c) (49 U.S.C. 1354) expressly confers the powers of section 1004 on the Administrator. Those comments on proposed § 13.37(d) which attack the constitutionality, form, or propriety of section 1004, or the conferring of these powers upon the Administrator, are therefore not germane to the issues open for decision by the Administrator in this rule making proceeding.

Some comments asserted that § 13.37 (d) is unnecessary since the Hearing Officers already have this power. While this may legally be so, it is considered preferable for clarity and certainty to insert a provision expressly delegating to the Hearing Officers the exercise of this power which the statute in terms confers on "the Administrator". There is no basis for the apprehension expressed in some comments that this provision would affect the scope of "the statutory guaranty" or express a policy in favor of frequent use of the power to compel testimony in exchange for immunity. This power in its nature is one to be used sparingly and only upon careful balancing of the public interest considerations. However, contrary to the view expressed in one of the comments, compelling a witness to testify under section 1004(i) confers immunity only on that witness and not on the respondent in the proceeding.

One comment objected to § 37.37(d) unless it was accompanied by a ruling on whether the immunity conferred by section 1004(i) extends to certificate action under section 609 of the Act (49 U.S.C. 1429) and to the imposition of civil penalties under section 901 (49 U.S.C. 1471). Since this issue involves an interpretation of the Constitution and of statutory standards not applicable to this Agency alone, it is considered appropriate to determine the issue in an actual case, on a full record and subject to judicial review rather than in the abstract by an interpretative rule.

The insertion of the "stale complaint" provision in § 13.49 was opposed by only one comment on the patently erroneous ground that it would impose a burden on the certificate holder. The language deviation from the corresponding § 301.27 (c) of the Civil Aeronautics Board rules (14 CFR 301.27(c)) with respect to the event that tolls the running of the 6-month period—"mailing or other service of the Notice of Proposed Certificate Action" in proposed § 13.49(b) against "the Administrator's advising respondent" in the Board rule—is considered desirable because it removes uncertainty as to when the event happened. Whether the language in § 13.49(b) is inconsistent with that in § 301.27(c) is a matter of interpretation of the latter. On principle it is found that there should be no substantive differences between the Board and FAA rule. The proposed rule follows the Board's rule as closely as adherence to the drafting principles governing the Federal Aviation Regulations permits.

The proposed amendment to § 13.61, making submission of written proposed findings and conclusions, and supporting reasons, discretionary with the Hearing Officer, is being adopted. It was opposed by only one of the comments on the ground that the parties may make these submittals as a matter of right. This is not so since these proceedings are not governed by section 8 of the Administrative Procedure Act.

Since the proposed amendment to § 13.45 is not being adopted, the reference thereto in § 13.67(a) is likewise omitted. However, the proposed rewording of this paragraph is adopted otherwise. The language is mandatory on the Hearing Officer, and does not absolve the Hearing Officer from responsibility for lack of clarity which would make his order insufficient for use as a complaint under § 301.26 of the Board's regulations.

In addition to the amendments proposed in the Notice, the following three amendments are made:

Section 13.41(b) as now written requires that the certificate holder's answer must be responsive to the allegations in the Notice of Proposed Certificate Action. Under this provision a general denial is not sufficient. It has been decided to ease the burden of pleading on respondents by permitting a general denial of those allegations of the Notice which go beyond identifying an airman or aircraft or describing airman or aircraft certificates, and § 13.41(b) is being amended accordingly.

Second, § 13.59(a), relating to evidence, is amended to make inadmissible in proceedings against a certificate holder who is a natural person any reports of accidents or incidents that this holder himself had to make to the Civil Aeronautics Board or this Agency. Reports required under Part 320 of the Safety Investigation Regulations of the Civil Aeronautics Board, or under §§ 91.3(c) and 91.75 (c) and (d) of the Federal Aviation Regulations, fall under this new provision. This amendment codifies existing FAA practice.

Last, § 13.65 is deleted. It provided for subsidiary applicability of the Federal Rules of Civil Procedure. Instead, Part 13 will be amended from time to time as the need for procedural rules not now expressly provided may appear.

These three amendments may be made without notice of rule making since they are procedural in nature. They do not impose a burden on any person but relax existing requirements.

All relevant matter presented in this proceeding has been fully considered.

This rule making action is taken under the authority of section 303(d), 313 (a), (c), 609, 1001, 1002, 1004, and 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354, 1429, 1481, 1482, 1484, and 1485).

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations (14 CFR Part 13) is hereby amended, effective June 27, 1965, as follows:

1. By redesignating paragraphs (d) through (j) of § 13.37 as (e) through (k), respectively, and inserting a new paragraph (d) reading as follows:

§ 13.37 Hearing Officer's powers.

* * * * *

(d) Rule on claims of privilege against self-incrimination and compel testimony by conferring immunity under section 1004(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1484);

§ 13.41 [Amended]

* * * * *

2. By adding the following new sentence at the end of § 13.41(b): "However, allegations other than those identifying an airman, stating the number and type of his certificate and ratings, or identifying an aircraft, its number and type, may be answered by a general denial."

3. By amending § 13.49 as follows:

(a) By amending the heading of paragraph (a) to read "(a) *Motion to dismiss for insufficiency*";

(b) By redesignating present paragraphs (b) through (g) as (c) through (h), respectively; and

(c) By inserting a new paragraph (b) reading as follows:

§ 13.49 Motions.

* * * * *

(b) *Motion to strike stale allegations.* If the Notice of Proposed Certificate Action contains an allegation of a violation that occurred more than 6 months before the date of mailing or other service of the Notice, the respondent may move to strike that allegation in any of the following cases:

(1) In any case in which the Notice does not allege lack of qualification of the certificate holder, Agency counsel is required to show by answer filed within seven days of service of the motion that good cause existed for the delay, or that if the allegations are proved, the imposition of a sanction is warranted in the public interest notwithstanding the delay or the reasons therefor. The respondent may file a reply to the answer within the time fixed by the Hearing Officer. The Hearing Officer may require Agency counsel to make his factual allegations of good cause more definite, certain or detailed. A hearing on the issue of good cause is held only if the respondent raises a genuine, pertinent, and substantial issue of fact. If the Hearing Officer does not find that good cause for the delay existed or that the public interest requires imposition of sanctions, notwithstanding the delay, if the allegations are proved, he orders the stale allegations stricken and proceeds to adjudicate only the remaining portions, if any, of the Notice.

(2) In any case in which the Notice alleges lack of qualification of the certificate holder the Hearing Officer determines first whether an issue of lack of qualification is presented if the stale allegations, standing alone or together with the timely allegations, are true. If the Hearing Officer finds that the issue is not presented, he orders the stale allegations stricken and proceeds to adjudicate the remaining portions, if any, of the Notice. If he finds a qualification issue presented, he proceeds to hearing, advising the respondent that he is to defend against the allegation of lack of

qualification to hold his certificate and not only against a proposed remedial sanction.

A motion to strike under this paragraph may be combined with a motion to dismiss any remaining parts of the Notice under paragraph (a) of this section.

* * * * *

§ 13.59 [Amended]

4. By adding the following new sentence at the end of § 13.59(a): "In a proceeding against a certificate holder who is a natural person, any report filed by that holder as required by the Civil Aeronautics Board or the FAA is not admissible in evidence. However, such a report may be used to impeach the testimony of the certificate holder."

§ 13.61 [Amended]

5. By amending the last sentence of § 13.61 to read as follows: "At the end of the hearing the Hearing Officer may, in his discretion, allow each party to submit written proposed findings and conclusions and supporting reasons for them."

§ 13.65 [Deleted]

6. By deleting § 13.65.

7. By amending § 13.67(a) to read as follows:

§ 13.67 Final order of Hearing Officer.

(a) If the final order of the Hearing Officer makes a decision on the merits it contains a statement of his findings and conclusions on all material issues of fact and law. If the Hearing Officer determines that safety in air commerce or air transportation and the public interest so require, he may issue a reprimand or an order amending, suspending, or revoking the respondent's certificate. However, the certificate action imposed may not be more severe than that proposed in the Notice of Proposed Certificate Action. If the Hearing Officer finds that the allegations of the notice have not been proved or that no sanction is required, he orders the notice dismissed. If the Hearing Officer finds it to be equitable and in the public interest, he may order the proceeding terminated upon payment by the respondent of a civil penalty in an amount agreed upon by the parties.

Issued in Washington, D.C., on May 21, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5627; Filed, May 28, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of VOR Federal Airway and Alteration of Reporting Point

On March 9, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 3225) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 124 and alter the Shelbyville, Ind., domestic low-altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.123 (29 F.R. 17509), V-124 is revoked.

2. In § 71.203 (29 F.R. 17711), the Shelbyville, Ind., domestic low-altitude reporting point is amended to read as follows:

Shelbyville, Ind.: V-12, V-51, V-97, V-97W, V-819.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5628; Filed, May 28, 1965; 8:45 a.m.]

[Airspace Docket No. 64-PC-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation and Revocation of VOR Federal Airway

On March 13, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 3390), stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the VOR Federal airway structure in the vicinity of Kahoolawe, Hawaii Restricted Area R-3104.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, but no comments were received.

In the present description of Hawaiian VOR Federal airway No. 2, W-320 is specifically excluded from the pertinent controlled airspace. This exclusion is no longer valid since the lateral limits of this airway, as it is presently aligned, and as amended herein, does not overlie this warning area. Therefore, action is taken herein to delete references to the exclusion of W-320 from the description of V-2 Hawaii. Since this change is editorial in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.127 (29 F.R. 17548, 30 F.R. 4122), the following amendments are made:

1. V-1 Hawaii is amended to read as follows:

V-1 Hawaii From INT of Upolu Point, Hawaii, 093° and Hilo, Hawaii, 334° radials via INT of Upolu Point, 093° and Hilo, 034° radials; to Hilo. The airspace below 1,200 feet AGL is excluded.

2. In V-2 Hawaii "Upolu Point, Hawaii, 306°" is deleted and "Upolu Point, Hawaii, 305°" is substituted therefor; and "The airspace within R-3104 and W-320 is excluded" is deleted and "The airspace within R-3104 is excluded" is substituted therefor.

3. In V-5 Hawaii "From the INT of Lanai, Hawaii, 118° and Maui, Hawaii, 179° radials," is deleted and "From INT of Upolu Point, Hawaii, 305° and Maui, Hawaii, 179° radials," is substituted therefor.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C. on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5629; Filed, May 28, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway

On April 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5643) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from the intersection of the Sherbrooke, Quebec 150° and the Augusta, Maine, 285° True radials to Sherbrooke, excluding the portion that would lie within Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it was determined by a flight check that utilization of the Montpelier, Vt., 069° True radial, in lieu of the proposed Augusta, Maine, 285° True radial, would provide better angular divergence at the starting point of this airway. Accordingly, action is taken herein to utilize the Montpelier 069° True radial. Since this change is minor in nature and essentially procedural, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended by adding V-311 as follows:

V-311 From the INT of Sherbrooke, Quebec, 150° and Montpelier, Vt., 069° radials; to Sherbrooke. The airspace within Canada is excluded.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5630; Filed, May 28, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-31]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-6713 at Whidbey Island, Wash.

The Department of the Navy has informed the Federal Aviation Agency that R-6713 can be reduced in size to permit a wider passage between Whidbey Island, R-6713, and Smith Island, Wash. Therefore, action is taken herein to revoke that portion of R-6713 as presently designated east of longitude 122°-50'30" W.

Since this amendment is less restrictive in nature to the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 73.67 (29 F.R. 17771), R-6713 is amended by altering the geographic boundaries to read as follows:

Boundaries. Beginning at latitude 48°-25'00" N., longitude 123°05'00" W.; to latitude 48°23'00" N., longitude 123°06'00" W.; to latitude 48°16'30" N., longitude 123°03'-00" W.; to latitude 48°16'30" N., longitude 122°55'30" W.; to latitude 48°18'20" N., longitude 122°50'30" W.; to latitude 48°22'-45" N., longitude 122°50'30" W.; to latitude 48°25'00" N., longitude 122°53'30" W.; to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1965.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-5631; Filed, May 28, 1965; 8:46 a.m.]

[Reg. Docket No. 6621; Amdt. 428]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965.

City, Red Bluff; State, Calif.; Airport name, Bidwell Field; Elev., 354'; Fac. Class., SBRAZ; Ident., RBL; Procedure No. 1, Amdt. 6; Eff. date, 11 Oct. 58; Sup. Amdt. No. 5; Dated, 31 Dec. 53

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428'; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 19; Eff. date, 4 Apr. 64; Sup. Amdt. No. 18; Dated, 29 Feb. 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AC LFR	AN LOM	Direct	1500	T-dn	300-1	300-1	200-½
Delta Island Int	AN LOM	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of AN LOM.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 064°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing AN LOM, turn right, climb to 1500' on SW crs, AC LFR within 15 miles or, when directed by ATC, climb to 1500' on 244° bearing within 15 miles of AN LOM.
CAUTION: Terrain, 373'—1.6 miles SW of airport and 1.6 miles S of approach to Runway 6, 309'—0.8 mile SSW MM and 320'—1.0 mile SSW MM.
MSA within 25 miles of facility: 000°-090°—9500'; 090°-180°—7000'; 180°-270°—4000'; 270°-360°—6400'.

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 124'; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 16; Eff. date, 5 June 65; Sup. Amdt. No. 15; Dated, 1 May 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	BE LOM	Direct	2000	T-dn	300-1	300-1	200-½
Manchester VOR	BE LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Framingham Int	BE LOM	Direct	2000	S-dn-11	500-1	500-1	500-1
Hollis Int	BE LOM	Direct	2000	A-dn	800-2	800-2	800-2
Millbury Int	BE LOM	Direct	2500				
Lawrence VOR	BE LOM	Direct	2000				
Lawrence RBn	BE LOM	Direct	2000				

Radar vectoring is authorized in accordance with approved patterns by BOS APC.
Procedure turn N side of crs, 292° Outbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 112°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing BE LOM, make left-climbing turn to 2000′ direct to LWM RBn. Hold SW of LWM RBn, 051° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 500′, make right-climbing turn to 1600′ direct to BE LOM. Hold W of BE LOM, 112° Inbnd, 1-minute left turns.
CAUTION: 570′ tower, 3 miles NE of airport, 368′ stack SE side of airport. 398′ antenna (0.9 mile SE of airport).
MSA within 25 miles of facility: 000°-090°—2000′; 090°-180°—2500′; 180°-270°—3000′; 270°-360°—3500′.

City, Bedford; State, Mass.; Airport name, Hanscom Field; Elev., 133′; Fac. Class., HW (LOM); Ident., BE; Procedure No. 1, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 5 Oct. 63

Cotulla VOR	Cotulla RBn	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1271′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of COT RBn, climb to 1900′ on crs of 130° within 20 miles.
CAUTION: 560′ unlighted water tower, 0.9 mile WSW, 860′ tower, 5.5 miles ESE of airport, 760′ tower, 4.5 miles N.
MSA within 25 miles of facility: 000°-090°—2000′; 090°-180°—1700′; 180°-360°—1900′.

City, Cotulla; State, Tex.; Airport name, Municipal; Elev., 471′; Fac. Class., BMH; Ident., COT; Procedure No. 1, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 12 May 62

DAL VOR	DDA RBn	Direct	2000	T-dn	300-1	300-1	200-½
ADS VOR	DDA RBn	Direct	2000	C-dn	400-1	500-1	500-1½
Trinity Fork Int	DDA RBn	Direct	2000	S-dn-31R	400-1	400-1	400-1
Fair Park Int	DDA RBn	Direct	2000	A-dn	800-2	800-2	800-2
Fair Park Int	Ross Ave Int (final)	Direct	1600				
Ross Ave Int	DDA RBn (final)	Direct	1100				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′. If Ross Ave Int received, cross DDA RBn at 1000′.
Crs and distance, facility to airport, 307°—1.5 miles; Ross Ave Int to airport, 307°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing Tank RBn, climb to 2200′ on crs, 307° within 20 miles.
NOTE: Dual VOR and ADF equipment required for this approach.
CAUTION: 1049′ building, 4.2 miles SSE, 695′ water tank, 1.5 miles SE of airport.
MSA within 25 miles of facility: 000°-090°—2000′; 090°-180°—2100′; 180°-270°—3400′; 270°-360°—2300′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., MHW; Ident., DDA; Procedure No. 3, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 30 May 64

Dallas VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Ross Avenue Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Lakeside Int	LOM	Direct	2000	S-dn-13R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 134°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2000′ on track of 127° from LOM within 20 miles or, when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000′.
CAUTION: Procedure turn maneuvering must be completed N of final approach crs of 127°-307°. Standard clearance not provided over 1221′ tower, 5.6 miles WNW of LOM; 695′ tank, 1.7 miles SE Runway 31R.
MSA within 25 miles of facility: 000°-090°—2100′; 090°-180°—3400′; 180°-270°—2700′; 270°-360°—2200′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., LOM; Ident., DA; Procedure No. 4, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 27 Feb. 65

Broomfield Int	EGW RBn	Direct	8200	T-dn#	300-1	300-1	200-½
Denver VOR	EGW RBn	Direct	8200	C-dn*	500-1	500-1	500-1½
Watkins Int	EGW RBn	Direct	8200	S-dn-35*	500-1	500-1	500-1
Silo Int	EGW RBn	Direct	8200	A-dn	800-2	800-2	800-2
Franktown Int	EGW RBn	Direct	8200				
Larkspur Int	Sedalia Int	Direct	10,000				
Sedalia Int	EGW RBn	Direct	8200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200′ within 10 miles.
Minimum altitude over facility on final approach crs, 7400′; over OM, 6200′.
Crs and distance, facility to airport, 349°—9.1 miles; OM to airport, 349°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing EGW RBn, climb to 7000′ on 349° bearing from EGW RBn within 20 miles or, when directed by ATC, climb to 7000′ direct to DEN VOR.
*If OM is not received, 900-2 minimums apply.
#Westbound (193° thru 320°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., MHW; Ident., EGW; Procedure No. 2, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 15 Aug. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965 OR UPON DECOMMISSIONING OF THE FWA RBN.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801'; Fac. Class., SBH; Ident., FA; Procedure No. 2, Amdt. 1; Eff. date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

Jackson VOR	Jackson RBn	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 002° Outbnd, 182° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 182°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing JAN RBn, climb to 2000' on crs, 182° from JAN RBn within 20 miles.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: Tower, 1049' located 3.5 miles SW of airport.
MSA within 25 miles of facility: 000°-090°—1700'; 090°-180°—1800'; 180°-270°—3000'; 270°-360°—1700'.

City, Jackson; State, Miss.; Airport name, Hawkins Field; Elev., 343'; Fac. Class., SBH; Ident., JAN; Procedure No. 2, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 20 June 64

LCH VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
LCH RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 148°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 1500' on 148° bearing from LCH LOM within 20 miles, or when directed by ATC, make immediate right turn, climbing to 1500' on the LCH VOR R-210 within 20 miles.
MSA within 25 miles of facility: 000°-360°—1500'.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 16'; Fac. Class., LOM; Ident., LC; Procedure No. 1, Amdt. 8; Eff. date, 5 June 65; Sup. Amdt. No. 7; Dated, 7 Nov. 64

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-9	500-1	500-1	500-1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 095°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing Manistee "H", make climbing right turn and return to Manistee "H" at 1900'.
NOTES: (1) 800-2 alternate minimums authorized for air carrier with approved weather service. (2) No weather available. (3) Close flight plan by radio with Traverse City FSS or if unable, via public telephone immediately upon landing. (4) Final approach from holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°-180°—3100'; 180°-360°—1900'.

City, Manistee; State, Mich.; Airport name, Manistee County-Blacker; Elev., 613'; Fac. Class., HW; Ident., MBL; Procedure No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 15 May 65

OSI VOR	LOM	Direct	4000	T-dn*	300-1	300-1	200-½
SFO VOR	LOM	Direct	2500	C-dn#	500-1	500-1	500-1½
OAK VOR	LOM	Direct	2500	S-dn-28L/R	400-1	400-1	400-1
Decoto Int	LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2
SJC VOR	LOM (final)	Direct	1700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude, 2500'. Descent to 1700' authorized to cross the LOM on final approach crs Inbnd.
Minimum altitude over facility on final approach crs, 1700'.
Final approach crs, 281° Inbnd.
Crs and distance, LOM to Runway 28R, 281°—5.7 miles; LOM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 3000' on 281° crs from LOM within 15 miles.
CAUTION: Execute missed approach with best climb on 281° crs. Standard obstruction clearance not provided over terrain, 1000'—4 miles W of airport.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.
*IFR Departures must comply with published San Francisco SID's, or be radar vectored.
#1000' ceiling required for circling approaches to Runways 1R/L.
MSA within 25 miles of facility: 000°-090°—4900'; 090°-180°—4400'; 180°-270°—3500'; 270°-360°—3200'.

City San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., LOM; Ident., SF; Procedure No. 1, Amdt. 16; Eff. date, 5 June 65; Sup. Amdt. No. 15; Dated, 10 Mar. 62

SEA VOR	SE LOM	Direct	2000	T-dn	300-1	300-1	200-½
Milton VHF Int	SE LOM (final)	Direct	1600	C-dn	500-1	500-1	500-1½
Fairgrounds VHF Int*	SE LOM	Direct	2000	S-dn-34	400-1	400-1	400-1
Burton VHF Int	SE LOM	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 338°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SE LOM, climb to 2000' direct to SZ LOM or, when directed by ATC, turn left, climb to 2000' on R-225 SEA VOR within 10 miles.
CAUTION: Terrain and trees to 591' located immediately N and NE of airport.
Other change: Deletes transition from SJ LFR.
*Transition to Fairgrounds VHF Int authorized from McChord AFB RBn on 020° crs, 2000'.
MSA within 25 miles of facility: 000°-090°—5500'; 090°-180°—6300'; 180°-270°—2100'; 270°-360°—2800'.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428'; Fac. Class., LOM; Ident., SE; Procedure No. 1, Amdt. 25; Eff. date, 5 June 65; Sup. Amdt. No. 24; Dated, 25 July 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SEA VOR	SZ LOM	Direct	2000	T-dn	300-1	300-1	200-½
PAE VOR	SZ LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Burton Int	SZ LOM	Direct	2000	A-dn	800-2	800-2	800-2
Lofall Int	SZ LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 158°—4.1 miles.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing SZ LOM, climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb direct to SEA VOR, thence turn right, continue climb to 2000′ on R-225 within 10 miles SEA VOR.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
Other change: Deletes transitions from Bainbridge Int and SJ LFR.
*Distance indicated is to the displaced threshold.
MSA within 25 miles of facility: 000°-090°—5400′; 090°-180°—5000′; 180°-270°—3600′; 270°-360°—3600′.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., LOM; Ident., SZ; Procedure No. 2, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 4 Apr. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OOD VOR	PNE VOR	Via radar vectors	2400	T-d	300-1	NA	NA
PNE VOR	Bristol Int (final)	080	1000	C-d	1000-1½	NA	NA
				A-d	NA	NA	NA
				If Bristol Int received, the following minimums apply:			
				C-d	700-1½	NA	NA

Radar vectors to PNE VOR required. Radar vectors authorized in accordance with approved PHL radar patterns.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 2400′; over Bristol Int, 1000′.
Crs and distance, facility to airport, 080°—8.0 miles; Bristol Int to airport, 080°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.0 miles after passing PNE VOR, or 2.1 miles after passing Bristol Int, climb on R-080 to 1500′ within 5 miles, then make left-climbing turn to 2400′. Proceed direct to PNE VOR. Hold W 1-minute right turns, Inbnd crs, 080°.
CAUTION: Bridge tower, 268′—1.2 miles SE of airport.
Other change: Deletes transitions from high-line VHF Int and Admore VHF Int.
MSA within 25 miles of the facility: 000°-180°—1500′; 180°-360°—2400′.

City, Bristol; State, Pa.; Airport name, 3-M; Elev., 35′; Fac. Class., T-VOR; Ident., PNE; Procedure No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig. Dated, 5 Sept. 64

				T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-14	500-1	500-1	500-1
				S-n-14	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4100′ within 10 miles.
Minimum altitude over facility on final approach crs, 4100′.
Crs and distance, facility to airport, 150°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing DDC VOR, make left turn, climbing to 4100′ on R-330 within 10 miles, make left turn and return to DDC VOR.
MSA within 25 miles of facility: 000°-090°—3800′; 090°-180°—3900′; 180°-270°—4500′; 270°-360°—3800′.

City, Dodge City; State, Kans.; Airport name, Dodge City Municipal; Elev., 2594′; Fac. Class., BVOR; Ident., DDC; Procedure No. 1, Amdt. 8; Eff. date, 5 June 65; Sup. Amdt. No. 7; Dated, 7 Jan. 61

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 108°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing GAG VOR, climb to 4100′ on R-107 within 20 miles.
MSA within 25 miles of facility: 000°-090°—3600′; 090°-180°—3900′; 180°-270°—4200′; 270°-360°—3900′.

City, Gage; State, Okla.; Airport name, Municipal; Elev., 2223′; Fac. Class., BVORTAC; Ident., GAG; Procedure No. 1, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 31 Aug. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LCH VORTAC 10-mile DME Fix R-057	LCH VORTAC (final)	Direct	1500	T-dn C-dn A-dn	300–1 400–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2

Procedure turn S side of crs, 072° Outbnd, 252° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 252°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VOR, climb to 1500′ on the LCH VOR R-249 within 20 miles.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 16′; Fac. Class., H-BVORTAC; Ident., LCH; Procedure No. 1, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 7 Nov. 64

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3256′; Fac. Class., BVORTAC; Ident., LBB; Procedure No. 1, Amdt. 5; Eff. date, 16 Dec. 61; Sup. Amdt. No. 4; Dated, 25 Feb. 61

Isla Verde Int/10.2-miles DME Fix 6-mile DME/Radar Fix	6-mile DME/Radar Fix (final) SJU VOR (final)	Direct Direct	600 500	T-dn C-dn A-dn	300–1 500–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 500′, over 6-mile DME/Radar Fix, 600′, over Isla Verde Int/10.2-miles DME Fix, 1300′.
Crs and distance, 6-mile DME/Radar Fix, to airport, 275°—6 miles, Isla Verde Int/DME Fix, 275°—10.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile VOR, turn right, climb to 2000′ on R-359 within 20 miles or, when directed by ATC, turn right, climb to 1500′ on R-095 within 20 miles of SJU VOR.
NOTE: When authorized by ATC, DME may be used within 6–11 miles clockwise, R-304 to R-095 at 1300′ to position aircraft for straight-in approach.
MSA within 25 miles of facility: 000°–100°—1200′; 100°–180°—4500′; 180°–290°—4100′; 290°–360°—1000′.

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9′; Fac. Class., BVORTAC; Ident., SJU; Procedure No. 1, Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 21 Mar. 64

				T-dn C-d C-n A-dn	300–1 1000–1 1000–2 NA	300–1 1000–1 1000–2 NA	NA NA NA NA

Radar vectoring authorized in accordance with approved patterns by Boston approach control.
Procedure turn E side of crs, 022° Outbnd, 202° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 202°—11.5 miles.
Minimum altitude within 6.0 miles after passing HTM VOR, 1040′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing HTM VOR, make right-climbing turn to 2000′ return to HTM VOR, hold SW on R-240, 1 minute right turns, 060° crs Inbnd.
MSA within 25 miles of facility: 090°–270°—1500′; 270°–090°—2000′.

City, Taunton; State, Mass.; Airport name, Taunton Municipal; Elev., 40′; Fac. Class., BVOR; Ident., HTM; Procedure No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 14 Sept. 63

4. By amending the following terminal very high frequenc y omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
COS VOR COS VOR Creek Int Antelope Int	PEF VOR Wasson Int Antelope Int Wasson Int (final)	Direct Direct Direct Direct	8200 8200 8000 7500	T-dn% C-dn S-dn-30 A-dn	300–1 600–1 500–1 800–2	300–1 600–1 500–1 800–2	200–½ 600–1½ 500–1 800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 8000′ within 10 miles of Wasson Int.
Minimum altitude over Wasson Int on final approach crs, 7500′.
Crs and distance, Wasson Int to VOR, 276°—5.0 miles.
Crs and distance, breakoff point to approach end of runway, 301°—1.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left-climbing turn, climb to 8000′ on R-075 PEF VOR within 20 miles, or when directed by ATC, make right-climbing turn, climb to 8000′ on R-075 PEF VOR within 20 miles.
NOTES: Dual VOR equipment required for this procedure.
CAUTION: Sharply rising terrain W of airport; 7190′ tower, 8.0 miles N of airport; 7923′ tower, 14 miles N of airport.
Major change: Deleted note regarding procedure required for final approach.
%Westbound (210° thru 315°) IFR departures climb on PEF VOR R-075 and V-19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100′; or comply with radar vectors.
MSA within 25 miles of facility: 180°–270°—16,100′; 270°–360°—14,400′; 360°–090°—9400′; 090°–180°—8300′.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Fac. Class., L-VORW; Ident., PEF; Procedure No. TerVOR-30, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 13 Mar. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Britton VOR	Golf Int	Direct	3300	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–36	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 2600′ within 10 miles of River Int. Beyond 10 miles not authorized.
Minimum altitude over Golf Int on final approach crs, 1600′; over River Int, 1000′.
Crs and distance, Golf Int to airport, 358°—4.1 miles; River Int to airport, 358°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing River Int, proceed direct to Addison VOR, climbing to 2000′ or, when directed by ATC, turn right, proceed direct to Dallas VOR, climbing to 2000′.
NOTES: (1) Radar vectoring authorized in accordance with approved patterns. (2) Authorized only for aircraft equipped with dual VOR receivers.
MSA within 25 miles of facility: 000°–180°—2100′; 180°–270°—3400′; 270°–360°—2200′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., T-BVOR; Ident., ADS; Procedure No. TerVOR-36, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 8 May 65

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn–4	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				For aircraft equipped with VOR and DMF and Beacon DME Fix or Radar Fix in lieu of Beacon DME Fix identified, the following minimums apply:*			
				C-dn	400–1	500–1	500–1½
				S-dn–4**	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2000′ within 10 miles.
*Minimum altitude over facility on final approach crs, 1400′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 4, 044°—0.9 mile; Beacon DME Fix to FWA VOR, 049°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600′ northeastbound on R-068 and proceed to New Haven Int or, when directed by ATC, make right-climbing turn to 2100′ and proceed direct to FW LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-mile DME arc at 2600′ may be used between FWA VOR R-068 clockwise to R-311 to position aircraft for straight-in approach with elimination of procedure turn.
**400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–360°—2200′.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR–4, Amdt. 7; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 6; Dated, 17 Oct. 64

				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn–9	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2
				For aircraft equipped with VOR and DME and Robin DME Fix identified or Radar Fix obtained in lieu of Robin DME Fix minimums are:*			
				C-dn	400–1	500–1	500–1½
				S-dn–9	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2200′ within 10 miles.
*Minimum altitude over facility on final approach crs, 1600′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 9, 090°—1.25 miles; Robin DME Fix to VOR 3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600′ northeastbound on R-068 and proceed to New Haven Int or, when directed by ATC, make right-climbing turn to 2100′ and proceed direct to FW LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-mile DME arc at 2200′ may be used between FWA R-148 clockwise to R-329 to position aircraft for straight-in approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–360°—2200′.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR–9, Amdt. 4; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 3; Dated, 23 May 64

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn–13	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Aircraft equipped with VOR or DME and Wayne DME Fix identified or Radar Fix obtained in lieu of Wayne DME Fix minimums are:*			
				C-dn	400–1	500–1	500–1½
				S-dn–13**	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2200′ within 10 miles.
*Minimum altitude over facility on final approach crs, 1400′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 13, 135°—0.8 mile; Wayne DME Fix to VOR, 140°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600′ southwestbound on R-218 and proceed to Rock Creek Int or, when directed by ATC, climb to 2100′ and proceed direct to FW LOM.
NOTE: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-mile DME arc at 2600′ may be used between FWA VOR R-233 clockwise to R-068 to position aircraft for straight-in approach with elimination of procedure turn.
**400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–360°—2200′.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR–13, Amdt. 6; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 5; Dated, 17 Oct. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	500-1	500-1	500-1
				T-n	500-2	500-2	500-2
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn-12	700-1	700-1	700-1
				A-dn	1000-2	1000-2	1000-2
				The following minimums authorized during the hours control zone not in effect:			
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-12	800-1	800-1	800-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport. Crs and distance, breakoff point to Runway 12, 116°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing JEF VOR, climb to 2400′ on the JEF VOR R-112 within 10 miles, make right turn and return to JEF VOR.
NOTE: Altimeter setting from CBI FSS during hours control zone not in effect.
CAUTION: 985′ tower located 1.3 miles W of airport; 1000′ tower located 2.7 miles SE of airport; 1151′ tower located 3.9 miles NE of airport; 1784′ tower located 6.2 miles NE of airport.
*Alternate minimums of 1000-2 authorized for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2300′; 180°-270°—2200′; 270°-360°—2600′.

City, Jefferson City; State, Mo.; Airport name, Jefferson City Memorial; Elev., 547′; Fac. Class., T-BVOR; Ident., JEF; Procedure No. TerVOR-12, Amdt. Orig.; Eff. date, 5 June 65

				T-d	500-1	500-1	500-1
				T-n	500-2	500-2	500-2
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-30	800-1	800-1	800-1
				A-dn	1000-2	1000-2	1000-2
				The following minimums authorized during the hours control zone not in effect:			
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				S-dn-30	900-1	900-1	900-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 112° Outbnd, 292° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport. Crs and distance, breakoff point to Runway 30, 296°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing JEF VOR, climb to 2400′ on the JEF VOR R-301 within 10 miles, make left turn and return to JEF VOR.
NOTE: Altimeter setting from CBI FSS during hours control zone not in effect.
CAUTION: 985′ tower located 1.3 miles W of airport; 1000′ tower located 2.7 miles SE of airport; 1151′ tower located 3.9 miles NE of airport; and 1784′ tower located 6.2 miles NE of airport.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2300′; 180°-270°—2200′; 270°-360°—2600′.
*Alternate minimums of 1000-2 authorized for air carriers with approved weather reporting service.

City, Jefferson City; State, Mo.; Airport name, Jefferson City Memorial; Elev., 547′; Fac. Class., T-BVOR; Ident., JEF; Procedure No. TerVOR-30, Amdt. Orig.; Eff. date, 5 June 65

OAK VOR	SFO VOR	Direct	2500	T-dn*	300-1	300-1	200-½
SFO VOR	Westlake Int	Direct	2500	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2500′ within 10 miles of Westlake Int.
Minimum altitude over Westlake Int on final approach crs, 1700′; over Skyline Int. 1000′; over facility, 1000′.
Crs and distance, Westlake Int to VOR, 101°—5.7 miles; Skyline Int to VOR, 101°—3.7 miles.
Facility on airport. Final approach crs parallel to and between Runways 10L/R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SFO VOR, climb to 2500′ on SFO R-101 within 10′miles.
NOTE: Radar identification of Skyline Int authorized.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
*IFR departures must comply with published San Francisco SID's, or be radar vectored.
MSA within 25 miles of facility: 000°-090°—4300′; 090°-180°—3900′; 180°-270°—3000′; 270°-360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-10L/R, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 20 June 64

OAK VOR	Oyster Int/DME Fix	Direct	1000	T-dn*	300-1	300-1	200-½
Oyster Int/DME Fix	SFO VOR (final)	Direct	400	C-dn#	500-1	500-1	500-1½
				S-dn-19L$	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must proceed from OAK VOR or be radar vectored to final approach crs.
Minimum altitude over Oyster Int on final approach crs, 1000′; over facility, 400′.
Crs and distance Oyster Int to VOR, 194°—4.2 miles; Oyster Int to breakoff point, 194°—3.2 miles; breakoff point to Runway, 190°—0.4 mile.
Facility on airport.
Final approach crs, 194° Inbnd.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, turn left, climb to 2500′ on SFO R-101 within 10 miles.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
*IFR departures must comply with published San Francisco SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to Runways 1R/L.
$400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—4300′; 090°-180°—3900′; 180°-270°—3000′; 270°-360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-19L, Amdt. 8; Eff. date, 5 June 65; Sup. Amdt. No. 7; Dated, 10 Mar. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OSI VOR	SFO LOM	Direct	4000	T-dn*	300–1	300–1	200–½
SFO VOR	SFO LOM	Direct	2500	C-dn#	500–1	500–1	500–1½
OAK VOR	SFO LOM	Direct	2500	S-dn-28L/R$	400–1	400–1	400–1
Decoto Int	SFO LOM (final)	Direct	1700	A-dn	800–2	800–2	800–2
SJC VOR	SFO LOM (final)	Direct	1700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude 2500′. Descent to 1700′ authorized to cross LOM when established on final approach crs, Inbnd.
Minimum altitude over LOM on final approach crs, 1700′; over facility, 400′.
Facility on airport. Final approach crs parallel to and between Runways 28L/R. Final approach crs, 281°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, climb to 3000′ on SFO VOR R–281 within 15 miles.
CAUTION: Execute missed approach with best climb on R–281. Standard obstruction clearance not provided over terrain, 1000′—4 miles W of airport.
NOTE: VOR and ADF equipment required for this procedure.
*700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
*IFR departures must comply with published San Francisco SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to Runways 1R/L.
$400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
$400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–090°—4300′; 090°–180°—3900′; 180°–270°—3000′; 270°–360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-28L/R, Amdt. 6; Eff. date, 5 June 65; Sup. Amdt. No. 5; Dated, 10 Mar. 62

SJP RBn	SJU VOR	Direct	1500	T-dn	300–1	300–1	200–½
SJU RBn	SJU VOR	Direct	1600	C-dn	500–1	500–1	500–1½
				S-dn-25*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1100′ within 9 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance, breakoff point to Runway 25, 255°—0.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 2000′ on R–359 within 20 miles of SJU VOR.
NOTES: (1) Procedure turn distance restricted to 9 miles of VOR due to warning area N of procedure turn area. (2) When authorized by ATC, DME may be used within 8–11 miles clockwise, R–304 to R–095 at 1100′ to position aircraft for straight-in approach with the elimination of procedure turn.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-tensity runway lights.
MSA within 25 miles of facility: 000°–100°—1200′; 100°–180°—4500′; 180°–290°—4100′; 290°–360°—1000′.

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9′; Fac. Class., BVORTAC; Ident., SJU; Procedure No. TerVOR–25, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 21 Mar. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn*	900–1½	900–1½	900–1½
				A-dn*	1100–2	1100–2	1100–2
				If 4.2-mile DME Fix R–245 received, the following minimums apply:*			
				C-dn	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns of Kennedy ASR.
Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′, over 4.2-mile DME Fix R–245, 1000′.
*Maintain 1000′ until passing 4.2-mile DME Fix R–245.
Crs and distance, facility to airport, 245°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR, make a right-climbing turn to 1800′, proceed direct to Deer Park VOR. Hold NE on R–065, 1-minute right turns.
NOTE: This approach authorized only during the hours that the control tower is in operation.
MSA within 25 miles of facility: 000°–360°—1700′.

City, Farmingdale; State, N.Y.; Airport name, Republic Aviation Corp.; Elev., 82′; Fac. Class., BVORTAC; Ident., DPK; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 8 May 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Southgate Int##	10-mile DME Fix R-258	12/15 arc	2200	T-dn	300-1	300-1	200-½
Breakers Int	10-mile DME Fix R-258	Direct	2200	C-dn**	600-1	600-1	600-1½
10-mile DME Fix R-258	1.1-mile DME Fix R-258 or LOM	Direct	2200	S-dn-8#	500-1	500-1	500-1
1.1-mile DME Fix R-258 or LOM	HNL VOR	Direct	1700	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 3600′ within 10 miles.
Minimum altitude at 1.1-mile DME Fix R-258 or LOM, 2200′*; minimum altitude over facility, 1700′.#
Crs and distance, facility to airport, 078°—4.8 miles; 1.1-mile DME Fix R-258 or LOM to airport, 078°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing HNL VOR or at 4.8-mi DME Fix R-078, make right turn, climb to 2000′ and proceed to Southgate Int via R-168 HNL VOR.
CAUTION: Terrain rises sharply on N side final approach crs; within 2.2 miles, 1000′; 4.1 miles, 2566′; 5.4 miles, 3098′.
*Do not descend below 2200′ until over the 1.1-mile DME (LOM) Inbnd due NAS Barber's Point, 1500′ jet traffic pattern.
**Circling N of airport not authorized because of terrain, 385′—1.5 miles N and 524′—2 miles NE.
#Unless aircraft receives 1.1-mile DME Fix or LOM, maintain 2200′ to VOR and straight-in minimums not authorized.

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13′; Fac. Class., BVORTAC; Ident., HNL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 8 May 65

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3256′; Fac. Class., H-BVORTAC; Ident., LBB; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 29 Dec. 62

				T-dn	300-1	300-1	NA
				C-d	1000-1	1000-1	NA
				C-n%	1000-2	1000-2	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn S* side of crs, 285° Outbnd, 105° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 105°—18.5 miles.#
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Forbes Int, climb straight ahead, 1700′, return to SBY VORTAC on R-105. Hold W on 285, 1-minute right turns.
NOTE: Sliding scale not authorized.
%Runway lights on dusk-dawn during summer season; on request during winter.
*CAUTION: Procedure turn underlies restricted area R-4006 beginning at 3500′ m.s.l.
#Proceed VFR from Forbes Int to the airport.
MSA within 25 miles of facility: 090°-180°—1300′; 180°-090°—1700′.

City, Ocean City; State, Md.; Airport name, Ocean City; Elev., 12′; Fac. Class., SBY; Ident., LBVORTAC; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 5 June 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	BE LOM	Direct	2000	T-dn	300-1	300-1	200-½
Manchester VOR	BE LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Framingham Int	BE LOM	Direct	2000	S-dn-11*	300-¾	300-¾	300-¾
Millbury Int	BE LOM	Direct	2500	A-dn	600-2	600-2	600-2
Hollis Int	BE LOM (final)*	Direct	2000	Glide slope inoperative:			
Lawrence VOR	BE LOM	Direct	2000	S-dn-11	500-1	500-1	500-1
Lawrence RBn	BE LOM	Direct	2000				

Radar vectoring by BOS APC is authorized in accordance with approved patterns.
Procedure turn N side of crs, 292° Outbnd, 122° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1455′—4.0 miles at MM, 357′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 2000′ direct to LWM VOR. Hold SW of LWM VWM VOR, 058° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 500′, make right-climbing turn to 1600′ direct to BE RBn. Hold W of BE RBn, 112° Inbnd, 1-minute left turns.
CAUTION: 570′ tower, 3 miles NE of airport; 368′ stack, SE side of airport; 398′ antenna (0.9 mile SE of airport).
*After interception of localizer crs Inbnd, descent on glide slope to cross the outer marker at 1455′ on final approach is authorized.

City, Bedford; State, Mass.; Airport name, Hanscom Field; Elev., 133′ Fac. Class., ILS; Ident., I-BED; Procedure No. ILS-11, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 26 Oct. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN VOR	Standley DME Fix	256°—17 miles (direct).	8400	T-dn%	300–1	300–1	200–½
				C-dn#	400–1	500–1	500–1½
Standley DME Fix	Edgewater DME Fix	Via 17 miles DME CCW orbit.	8400	S-dn-8R@	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Edgewater DME Fix	Capitol Int (final)	Direct	6200				

Radar vectoring authorized in accordance with approved patterns.¢
Procedure turn not authorized.
Minimum altitude over Capital Int on final approach crs, 6200′. Crs and distance, Capitol Int to airport, 076°—3.9 miles.
No glide slope, no outer marker, no middle marker, or approach lights.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 3.9 miles after passing Capitol Int, climb to 7000′ direct to DE OM or, when directed by ATC, climb and intercept R-200 DEN VOR, proceed to DEN VOR at 7000′.
NOTE: DME and simultaneous LOC/VOR reception required unless radar vectoring to localizer and radar Fix of Capitol Int are provided.
CAUTION: Terrain 8000′ and rising sharply 25 miles W of DEN VOR.
#500–1 required for circling S of airport due to 5570′ tank, 0.8 mile SE and 5521′ tower, 1.5 miles S of airport.
@400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Westbound (193° thru 320°) IFR departures must comply with published Denver SID's or with radar rectors.
¢Lost communications procedure: If no transmissions received for 30 seconds on westerly radar vector W of DEN VORTAC 160/340 radials, turn and proceed direct to ILS-26L LOM at last assigned altitude.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-8R (back crs) Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 2 Jan. 65

Superior Int	Broomfield Int	Direct	10,000	T-dn#	300–1	300–1	200–½
Broomfield Int	Derby Int	Direct	6900	C-dn	%400–1	500–1	500–1½
Denver VOR	Derby Int	Direct	6600	S-dn-17*	400–1	400–1	400–1
EGW RBn	Derby Int	Direct	7000	A-dn	800–2	800–2	800–2
Brighton Int	Henderson Int	Direct	6600				
Henderson Int	Derby Int (final)	Direct	6200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 6600′ within 10 miles of Derby Int.
No glide slope—descent to airport minimums after passing Derby Int.
Minimum altitude over Derby Int, 6200′.
Crs and distance, Derby Int to airport, 169°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Derby Int, climb straight ahead to 8200′ on S crs of SPO ILS to EGW RBn@ or, when directed by ATC, make left-climbing turn, and proceed direct to DEN VOR at 7000′.
Major change: Deleted departure procedure for J–20.
%500–1 required for circling S of airport due to 5570′ tank, 0.8 mile SE of airport; 5521′ tower, 1.5 miles S of airport.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
#Westbound (193° thru 320°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS–17 (bank crs), Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 2 Jan. 65

Denver VOR	EGW RBn	Direct	8200	T-dn@$	300–1	300–1	200–½
Sedalia Int	EGW RBn/DME Fix (final)	Direct	8200	C-dn	*400–1	500–1	500–1½
Silo Int	EGW RBn	Direct	8200	S-dn-35%#	200–½	200–½	200–½
Franktown Int	EGW RBn	Direct	8200	A-dn	600–2	600–2	600–2
Broomfield Int	EGW RBn	Direct	8200				
Larkspur Int	Sedalia Int	Direct	10,000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200′ within 10 miles of EGW RBn.
Minimum altitude at glide slope interception, 8200′.
Altitude and distance to approach end of runway at EGW RBn, 8200′—9.1 miles; at OM, 6917′—5.0 miles; at LMM, 5522′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7000′ on N crs, SPO ILS to Derby Int, hold N right turns, or when directed by ATC, make right-climbing turn to 7000′, proceed direct to DEN VOR at 7000′.
Other change: Deletes departure instructions for J–20.
*500–1 required for circling S of airport due to 5521′ tower, 1.5 miles S of airport.
#500–1 required when glide slope not utilized. When both glide slope and OM not received, straight-in, circling and alternate minimums become 900–2.
@Westbound (193° thru 320°) IFR departures must comply with published Denver SID's or with radar vectors.
$Runway visual range, 2400′, also authorized for takeoff on Runway 35 in lieu of 200–½, when 200–½ is authorized, provided high-intensity runway lights and runway centerline lights are operational.
%Runway visual range, 2400′, also authorized for landing on Runway 35, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, Englewood RBn, and all related airborne equipment are operating satisfactorily. Descent below 5531′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS–35, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 15 Aug. 64

Int FSM R–215 and E crs FSM ILS	LOM	Via E crs FSM ILS.	2700	T-dn*	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
Ft. Smith VOR	LOM	Direct	2700	S-dn–25#	200–½	200–½	200–½
Ft. Smith RBn	LOM	Direct	3000	A-dn##	600–2	600–2	600–2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 2658′—6.9 miles; at MM, 684′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1200′ on 253° bearing from LOM, turn right, continue climb to 3000′, proceeding direct to Ft. Smith RBn or, when directed by ATC, turn left to heading, 180° until intercepting FSM VOR R–194 (Outbnd), climbing to 3600′ within 20 miles.
NOTE: No reduction in takeoff or landing minimums authorized.
CAUTION: All maneuvering must be completed N of the localizer crs. Standard distance not applied between localizer crs and restricted area R–2402.
*Aircraft departing Runway 25 shall maintain runway heading until reaching 1200′ prior to starting right turn.
#500–¾ required when glide slope not utilized.
##All installed components of the ILS must be operating, otherwise alternate minimums of 800–2 apply.

City, Fort Smith; State, Ark.; Airport name, Fort Smith Municipal; Elev., 468′; Fac. Class., ILS; Ident., I-FSM; Procedure No. ILS–25, Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 20 Feb. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transition to final approach crs required in accordance with approved patterns.
No procedure turn. Aircraft will be released for final approach over 5-mile Radar Fix at 2200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Radar Fix, climb to 2100′ on SE crs, ILS and proceed to LOM, or when directed by ATC, make right-climbing turn to 2600′ and proceed to Rock Creek Int via R-218 FWA VOR.
Other change: Deletes transitions. Deletes Ellis Int.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801′; Fac. Class., ILS; Ident., I–FWA; Procedure No. ILS–13 (back crs), Amdt. 3; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 2; Dated, 17 Oct. 64

Lake Charles VOR	Brown Int	Direct	1500	T-dn	300–1	300–1	200–½
Lake Charles RBn	Brown Int	Direct	1500	C-dn*	400–1	500–1	500–1½
				S-dn-33*#	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2

Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 1500′ within 10 miles.
Minimum altitude over Brown Int on final approach crs, 1500′.
Crs and distance, Brown Int to airport, 328°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing Brown Int, climb to 1500′ on the NW crs of the ILS within 20 miles.
*If Brown Int not received, descent below 1500′ not authorized.
400–¾ authorized, except for 4-engine turbojet aircraft, with operative hi-intensity runway lights.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 16′; Fac. Class., ILS; Ident., I–LCH; Procedure No. ILS–3 (back crs) Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 5 Sept. 64

Cordova VOR	Green River Int	Direct	2300	T-dn	300–1	300–1	200–½
Moline VOR	Green River Int	Direct	2300	C-dn	600–1	600–1	600–1½
Cable Int	Green River Int	Direct	2800	S-dn-27	500–1	500–1	500–1
Polo VOR	Donna Int	Via PLL VOR R-207.	2600	A-dn	800–2	800–2	800–2
Donna Int	Green River Int (final)	Direct	2300				

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300′ within 10 miles of Green River Int.
Minimum altitude over Green River Int on final approach crs, 2300′.
Crs and distance, Green River Int to airport, 266°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Green River Int, make left turn, climbing to 2300′ and proceed to MLI VOR, or when directed by ATC, climb to 1900′ on MLI localizer W crs and proceed to ML LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from Green River Int: 0 to 10 miles clockwise, 045° to 135°—2300′; 10 to 25 miles clockwise, 045° to 135°—2500′; 0 to 25 miles clockwise, 135° to 205°—2800′; 0 to 25 miles clockwise, 205° to 290°—2300′; and 0 to 25 miles clockwise, 290° to 045°—2600′.

City, Moline; State, Ill.; Airport name, Quad-City; Elev., 590′; Fac. Class., ILS; Ident., I–MLI; Procedure No. ILS–27 (back crs), Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 28 Nov. 64

OAK VOR	SFO VOR	Direct	2500	T-dn*	300–1	300–1	200–½
SFO VOR	Westlake Int via W crs localizer	Direct	2500	C-dn	1000–1	1000–1	1000–1½
				A-dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2500′ within 10 miles of Westlake Int.
Minimum altitude over Westlake Int on final approach crs, 1700′; over Skyline Int, 1000′.
Crs and distance, Westlake Int to airport, 101°—4.7 miles; Skyline Int to airport, 101°—2.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Westlake Int, climb to 2500′ on E crs of SFO ILS localizer within 10 miles.
NOTE: Radar identification of Skyline Int authorized.
*700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
*IFR departures must comply with published San Francisco SID's, or be radar vectored.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., ILS; Ident., I–SFO; Procedure No. ILS–10L (back crs), Amdt. 1; Eff. Date, 5 June 65; Sup. Amdt. No. ILS–10L/R, Orig.; Dated, 20 June 64

OSI VOR	LOM	Direct	4000	T-dn*	300–1	300–1	200–½
SFO VOR	LOM	Direct	2500	C-dn#	500–1	500–1	500–1½
OAK VOR	LOM	Direct	2500	S-dn-28R%	200–½	200–½	200–½
SJC VOR	LOM (final)	Direct	1700	S-dn-28L	400–1	400–1	400–1
Decoto Int	LOM (final)	Direct	1700	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude, 2500′. Descent to 1700′ authorized to intercept glide slope when established Inbnd, on final approach crs.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1720′—5.7 miles; at MM, 240′—0.6 mile.
Crs and distance, OM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on the W crs of SFO ILS localizer to 3000′ within 15 miles.
CAUTION: Execute missed approach with best climb on ILS W crs. Standard obstruction clearance not provided over terrain, 1000′—4 miles W of airport.
*700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
*IFR departures must comply with published San Francisco SID's or be radar vectored.
*Runway visual range, 2400′, also authorized for takeoff on Runway 28R in lieu of 200–½, when 200–½ authorized, providing high-intensity runway lights are operational.
#1000′ ceiling required for circling approaches to Runways 1R/L.
%400–¾ required when glide slope not utilized.
%Runway visual range, 2400′, also authorized for landing on Runway 28R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 212′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., ILS; Ident., I–SFO; Procedure No. ILS–28R, Amdt. 19; Eff. Date, 5 June 65; Sup. Amdt. No. ILS–28L/R, 18; Dated, 21 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SEA VOR	SZ LOM	Direct	2000	T-dn	300–1	300–1	200–½
PAE VOR	SZ LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Burton VHF Int	SZ LOM	Direct	2000	S-dn-16%	200–½	200–½	200–½
Lofall VHF Int	SZ LOM	Direct	2000	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Final approach from holding pattern at SZ LOM not authorized, procedure turn required.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1672′—4.1 miles;* at MM, 632′—0.6 mile.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700′ direct to SE LOM or, when directed by ATC, turn right climb to 2000′ on R-225 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
Other change: Deletes transitions from Bainbridge LF Int and SJ LFR.
%400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*Distance indicated is to the displaced threshold.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I-SZI; Procedure No. ILS-16, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 26 Sept. 64

SEA VOR	SE LOM	Direct	2000	T-dn##	300–1	300–1	200–½
Milton VHF Int	SE LOM (final)	Direct	1600	C-dn	500–1	500–1	500–1½
Fairgrounds VHF Int*	SE LOM	Direct	2000	S-dn-34#%	200–½	200–½	200–½
Burton VHF Int	SE LOM	Direct	2000	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1585′—4.0 miles; at MM, 560′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′ on R-225 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
Other change: Deletes transition from SJ LFR.
*Transition to Fairgrounds Int authorized from McChord AFB RBn on crs, 020°—2000′.
%400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#Runway visual range (RVR), 2400′, also authorized for landing on Runway 34, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
Runway visual range, 2400′, also authorized for takeoff on Runway 34 in lieu of 200–½, when 200–½ authorized, providing high-intensity runway lights are operational.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I-SEA; Procedure No. ILS-34, Amdt. 26; Eff. date, 5 June 65; Sup. Amdt. No. 25; Dated, 26 Sept. 64

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	20 miles	2200	Precision approach			
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-11	300–¾	300–¾	300–¾
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 2000′ direct to LWM VOR. Hold SW of LWM VOR, 058° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 500′, make right-climbing turn to 1600′ direct to BE RBn. Hold W of BE RBn, 112° Inbnd, 1-minute left turns.
CAUTION: 570′ tower, 3.0 miles NE of airport; 398′ antenna, 0.9 mile SE of airport; 368′ stack, SE side of airport.
NOTES: (1) This procedure premised on the use of USAF GCA. Consult appropriate publications for hours of operation. (2) Standard clearance of 1000′ from 0-3 miles must be provided over the 1349′ antennae, 10.0 miles SE of airport.

City, Bedford; State, Mass.; Airport name, Hanscom; Elev., 133′; Fac. Class. and Ident., Hanscom Radar; Procedure No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 4 Jan. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	Within 30 miles	3000	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn 5R, 9, 27, 18R, 36L 23L.#**	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 5R, 36L, 9: Make left-climbing turn to 3000', intercept and proceed Outbnd on Strongsville VOR R-345 to Crib Int. Hold SE, 1-minute right turns, 345° Inbnd. Runways 23L, 27, 18R: Climb to 3000' on runway heading, upon reaching proceed to Cleveland VOR. Hold W, 1-minute right turns, 098° Inbnd.

CAUTION: 1971' towers approximately 6 miles ESE of airport.

#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights on Runways 5R, 23L, 9 and 27.

#400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS on Runways 5R and 27.

**On approach to Runway 23L, maintain at least 1600' until within 4 miles of runway.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins; Elev., 792'; Fac. Class., Cleveland; Ident., Radar; Procedure No. 1, Amdt. 14; Eff. date, 5 June 65; Sup. Amdt. No. 13; Dated, 13 Feb. 65

000°	360°	0–10 miles	1900	Precision approach			
360°	015°	10–30 miles	1900				
015°	035°	10–50 miles	2600	T-dn	300–1	300–1	200–½
035°	200°	10–50 miles	1900	C-dn	400–1	500–1	500–1½
200°	265°	10–15 mi es	2100	S-dn-6R/24L	200–½	200–½	200–½
200°	265°	10–50 miles	2300	A-dn	600–2	600–2	600–2
265°	360°	10–50 miles	1600				
				Surveillance approach			
				T-dn	300–1	300–1	300–1
				C-dn	400–2	500–2	500–2
				S-dn-6R/24L	400–2	400–2	400–2
				A-dn	800–2	800–2	800–2

All bearings are from radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 6, climb on 065° heading to 2000'; contact Guam approach control. For Runway 24, climb on 275° heading to 2000'; contact Guam approach control.

NOTES: (1) Turbulence may be expected on final approach to Runway 24. (2) PAR glide slope, 2.98°. (3) Prior approval required from commander, Andersen AFB for civil aircraft.

AIR CARRIER NOTE: Sliding scale not authorized.

Other change: Deletes takeoff note "400–1 if PAR and ILS inoperative."

City, Guam; State, Mariana Island; Airport name, Andersen Air Force Base; Elev., 605'; Fac. Class., Andersen; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 29 Aug. 64

All directions	Radar site	Within 25 miles	*1500	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn 10, 23, 28	400–1	500–1	500–1½
				C-dn-19	700–1	700–1	700–1½
				C-dn 1, 5	500–1	500–1	500–1½
				S-dn 10, 23, 28%-	400–1	400–1	400–1
				S-dn 1, 5	500–1	500–1	500–1
				S-dn-19	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' straight ahead, then proceed to New Orleans VOR or proceed to New Orleans H-SAB (LOM).

CAUTION: 409' radio tower, 2.3 miles N of airport and 452' electric transmission towers, 4.3 miles SE of airport.

*Radar control must provide 3-miles lateral or 1000' vertical separation from 1049' radio tower located 12 miles ESE of airport and from 1049' TV tower, 16 miles E of airport.

%400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

%400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3'; Fac. Class., New Orleans; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 10 Apr. 65

		Within:		Surveillance approach			
000°	360°	0–10 miles	3000				
000°	360°	10–20 miles	3500	T-dn*	300–1	300–1	200–½
000°	360°	20–40 miles	5500	C-dn#	500–1	500–1	500–1½
				S-dn-19L/R%	400–1	400–1	400–1
				S-dn-28L/R	400–1	400–1	400–1
				A-dn%¢	800–2	800–2	800–2
				Precision approach			
				S-dn-28R$	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 19L/R; Turn left, climb to 2500' on SFO VOR R-101, or E crs of SFO ILS localizer within 10 miles. Runways 28L/R: Climb to 3000' on SFO VOR R-281, or W crs of SFO ILS localizer within 15 miles. Runways 10L/R: Climb to 2500' on SFO VOR R-101, or E crs of SFO ILS localizer within 10 miles.

CAUTION: Execute missed approach with best, climb on ILS W crs, or R-281. Standard clearance not provided over terrain, 1000'—4 miles W of airport.

*700–1 required for takeoff on Runways 19L/R and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.

*IFR departures must comply with published San Francisco SID's or be radar vectored.

*Runway visual range, 2400', also authorized for takeoff on Runway 28R in lieu of 200–½, when 200–½ authorized; providing high-intensity runway lights are operational.

#1000' ceiling required for circling approaches to runways 1R/L.

%400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

¢400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

$Runway visual range, 2400', also authorized for landing on Runway 28R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 212' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., San Francisco; Ident., Radar; Procedure No. 1, Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 18 Nov. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
000°----	360°----	10 miles----	2500				
000°----	360°----	20 miles----	5500	T-dn#----	300-1	300-1	200-½
				C-dn----	500-1	500-1	500-1½
				S-dn-16/34##----	200-½	200 ½	200-½
				A-dn----	600-2	600-2	600-2
				Surveillance approach			
				T-dn----	300-1	300-1	200-½
				C-dn----	500-1	500-1	500-1½
				S-dn-34$----	400-1	400-1	400-1
				A-dn----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 34: Climb to 2000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′, intercept R-225 of Seattle VOR, thence to Burton Int.

Runway 2: Left turn, climb to 2000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′, intercept R-225 of Seattle VOR, thence to Burton Int. Runway 16: Climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb to 2000′, intercept R-225, thence to Burton Int. Runway 20: Left turn, climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb to 2000′, intercept R-225, thence to Burton Int.

CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.

#Runway visual range, 2400′, also authorized for takeoff on Runway 34 in lieu of 200-½, when 200-½ is authorized, provided high-intensity lights are operational.

##Runway visual range (RVR), 2400′, also authorized for landing on Runway 34, provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

$400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., Seattle-Tacoma; Ident., Radar; Procedure No. 1, Amdt. 11; Eff. date, 5 June 65; Sup. Amdt. No. 10; Dated, 26 Sept. 64

		Within:		Precision approach			
All directions----	Radar site----	8 miles----	2000				
All directions----	Radar site----	20 miles----	2900	T-dn#----	300-1	300-1	200-½
All directions----	Radar site----	25 miles----	3400	C-dn----	500-1	500-1	500-1½
All directions----	Radar site----	35 miles----	5000	S-dn-01R*----	200-½	200-½	200-½
				A-dn----	600-2	600-2	600-2
				Surveillance approach			
				T-dn----	300-1	300-1	200-½
				C-dn----	500-1	500-1	500-1½
				S-dn-30----	500-1	500-1	500-1
				S-dn 1R, 1L12, 19R, 19L.**	400-1	400-1	400-1
				A-dn----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to Poolesville RBn, cross Poolesville RBn at 2000′, continue climb to 2300′ in holding pattern. Hold N, 006° bearing, 186° Inbnd, 1-minute right turns.

#Runway visual range, 2000′, also authorized for takeoff on Runway 01R in lieu of 200-½, when 200-½ is authorized, provided high-intensity runway lights are operational.

*Runway visual range, 2000′, also authorized for landing on Runway 01R, provided all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 513′ shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

**400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

**400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS for Runways 1R and 19R.

City, Washington; State, D.C.; Airport name, Dulles International; Elev., 313′; Fac. Class., Dulles; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 11 May 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 29, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-4714; Filed, May 28, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NYLON RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1621) filed by American Can Co., 11th Avenue and St. Charles Road, Maywood, Ill., 60154, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of certain nylon 11 resins in side-seam cements for articles that are intended for one-time use in contact with food and that are in compliance with § 121.2514. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2502(b) is amended by changing the text in the first column of item 5.2 in the table to read as follows:

§ 121.2502 Nylon resins.

* * * * *

5.2 Nylon 11 resins for use only:	
	a. In articles intended for repeated use in contact with food.
	b. In side-seam cements for articles intended for one-time use in contact with food and which are in compliance with § 121.2514.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintu-

plicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: May 25, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5673; Filed, May 28, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart B—Official Cotton Standards of the United States for Fiber Fineness and Maturity

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart C—Standards

REVISED STANDARDS FOR FIBER FINENESS AND MATURITY

On March 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4064) regarding a proposed revision of the Official Cotton Standards of the United States for Fiber Fineness and Maturity (7 CFR 27.210-27.213), pursuant to authority contained in sections 6 and 10 of the United States Cotton Standards Act, as amended (42 Stat. 1518, 1519; 7 U.S.C. 56, 61), and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854), and for the purpose of both of said Acts.

Statement of considerations leading to amendment. The purpose of revising these standards is twofold: (1) to incorporate developments since 1956 in the air flow instruments and testing procedures into the standards; and (2) to make the standards available for general use without restrictions.

All segments of the cotton industry generally agree that micronaire readings of fiber fineness and maturity are now an important quality factor in the merchandising and processing of cotton.

Practically all views and comments filed with the Hearing Clerk of the Department by cotton producers, ginners, manufacturers, and exchanges were favorable to the proposed revision of the standards. Cotton shippers expressed opposition to the proposal.

After due consideration of all relevant matters, Parts 27 and 28, Chapter I, Subtitle B, Title 7, Code of Federal Regulations, are amended by deleting Subpart B of said Part 27 and by adding, in lieu thereof, the following heading and sections to Subpart C of said Part 28:

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

§ 28.601 Official cotton standards for fiber fineness and maturity.

The official cotton standards of the United States for fiber fineness and maturity shall be the measure of such qualities, in combination, provided by air flow instrument tests in terms of micronaire readings in accordance with the procedure specified in § 28.603.

§ 28.602 Terms of designations.

The fiber fineness and maturity of any cotton shall be designated by the micronaire reading obtained from an air flow instrument test for a specimen of the cotton as determined under § 28.603, e.g., 4.1, 4.2, 4.3, etc. To simplify recording, the decimal point may be omitted, and the micronaire reading recorded as 41, 42, 43, etc.

§ 28.603 Procedures for air flow tests of micronaire reading.

In determining in terms of micronaire readings, the fiber fineness and maturity, in combination, of cotton, the following procedures shall apply:

(a) Facilities and equipment shall include:

(1) Air flow instrument complete with accessories to measure the fineness and maturity, in combination, of cotton in terms of micronaire reading on the curvilinear scale adopted in September 1950 by the Department of Agriculture, or its equivalent.

(2) A suitable supply of compressed air filtered to remove moisture and other impurities.

(3) Balance or scales suitable for accurately weighing the specimens required for the particular instrument.

(4) International Calibration Cotton Standards with established micronaire reading values for calibration of the air flow instrument.

(b) The instrument shall be calibrated each day before routine testing begins, as follows:

(1) The air shall be allowed to flow through the instrument until the indicator stabilizes.

(2) Specimens from at least two of the calibration cottons shall be tested to insure proper calibration of the instrument. The instrument shall be considered in calibration if the values obtained on the test specimens agree with the established values of the calibration cottons within 0.1 micronaire reading.

(c) Testing of the cotton specimen shall be performed as follows:

(1) Approximately the same amount of cotton shall be taken from each side of the sample for a test specimen. The weight of the test specimen shall be that weight prescribed for the air flow instrument being used.

(2) The weighed specimen shall be tested in a properly calibrated instrument.

(3) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed within the specimen holder.

(4) The air shall then be allowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The position of the instrument indicator shall be determined to the nearest 0.1 micronaire reading when it becomes stable.

(d) The accuracy of the instrument shall be checked at least every 2 hours during operation by testing appropriate calibration cottons. If the value obtained on a specimen from the calibration cotton is outside the established limits of 0.1 micronaire reading, or when successive readings show the results to be within the established limits, but consistently high or low, the instrument and technique shall be thoroughly checked to remedy the discrepancies. Additional tests using calibration cottons shall be made until acceptable results are obtained before routine testing is resumed.

(Secs. 6 and 10, 42 Stat. 1518, as amended, 1519, 7 U.S.C. 56, 61; Sec. 4854, 68A Stat. 580, 26 U.S.C. 4854)

Effective date. The foregoing amendment shall become effective on June 1, 1966.

Dated: May 27, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-5725; Filed, May 28, 1965; 8:50 a.m.]

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date of Certain Amendments

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until July 1, 1965, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on June

1, 1965, when a prior order (30 F.R. 6064) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on June 1, 1965.

Done at Washington, D.C., this 25th day of May 1965.

S. R. SMITH,
Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-5617; Filed, May 28, 1965; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 122]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.422 Valencia Orange Regulation 122.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 27, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., June 6, 1965, are hereby fixed as follows:

(i) District 1: 500,000 cartons;
(ii) District 2: 361,060 cartons;
(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 28, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5770; Filed, May 28, 1965; 11:15 a.m.]

[Lemon Reg. 163]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.463 Lemon Regulation 163.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 25, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., June 6, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5693; Filed, May 28, 1965 8:49 a.m.]

[Avocado Order 7]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 915.307 Avocado Order 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avo-

cados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 31, 1965. This section establishes grade and maturity requirements designed to prevent the shipment of avocados which are immature or otherwise of poor quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., May 31, 1965, and ending at 12:01 a.m., e.s.t, April 30, 1966, no handler shall handle any avocados unless such avocados grade at least U.S. No. 2 grade;

(2) After the effective time of this regulation, except as otherwise provided in subparagraphs 9 and 10 of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weigh at least 17 ounces may be handled prior to the date so listed, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Arue	7- 5-65	14 oz. (3 3/16 in.)	9-18-65				
Fuchs	7- 5-65	12 oz. (3 9/16 in.)	7-26-65	10 oz. (2 15/16 in.)	8- 9-65		
Dr. DuPuis	7- 5-65	12 oz. (3 3/16 in.)	8-23-65				
Hardee	7-12-65	13 oz. (3 9/16 in.)	8- 9-65				
Pollock	7-19-65	18 oz. (3 19/16 in.)	8- 2-65	16 oz. (3 7/16 in.)	8-16-65		
Simmonds	7-19-65	16 oz. (3 9/16 in.)	8- 2-65	14 oz. (3 7/16 in.)	8-16-65		
Nadir	7-19-65	14 oz. (3 3/16 in.)	8-16-65	9 oz. (2 13/16 in.)	8-23-65		
Katherine	7-19-65	12 oz.	8- 9-65				
Trapp	8-16-65	12 oz. (3 7/16 in.)	9-13-65				
Waldin	8-16-65	16 oz. (3 9/16 in.)	8-30-65	14 oz. (3 7/16 in.)	9-13-65	12 oz. (3 4/16 in.)	9-27-65
Petersen	8-23-65	10 oz. (3 3/16 in.)	9- 6-65	8 oz. (2 14/16 in.)	9-20-65		
Pinelli	8-30-65	16 oz. (3 19/16 in.)	9-20-65				
Tonnage	8-30-65	14 oz. (3 1/16 in.)	9- 6-65	12 oz. (3 9/16 in.)	9-13-65	10 oz. (2 13/16 in.)	9-20-65
Booth 8	9-13-65	16 oz. (3 9/16 in.)	9-27-65	15 oz. (3 7/16 in.)	10-11-65	13 oz. (3 4/16 in.)	10-25-65
Fairchild	9-13-65	16 oz. (3 19/16 in.)	9-20-65	14 oz. (3 7/16 in.)	10- 4-65	12 oz. (3 4/16 in.)	10-18-65
Nirody	9-20-65	18 oz. (3 15/16 in.)	10- 4-65	15 oz. (3 11/16 in.)	10-18-64	12 oz. (3 9/16 in.)	11- 1-65
Black Prince	10- 4-65	16 oz. (3 9/16 in.)	10-25-65				
Blair	10- 4-65	14 oz. (3 9/16 in.)	10-25-65				
Collinson	10- 4-65	16 oz. (3 19/16 in.)	11- 1-65				
Monroe	10- 4-65	26 oz. (4 3/16 in.)	10-18-65	24 oz. (4 1/16 in.)	11-22-65		
Ruc	10- 4-65	30 oz. (4 3/16 in.)	10-11-65	24 oz. (3 15/16 in.)	10-25-65	18 oz. (3 9/16 in.)	11- 8-65
Booth 5	10-11-65	16 oz. (3 11/16 in.)	11- 1-65				
Hickson	10-11-65	15 oz. (3 9/16 in.)	11- 1-65				
Simpson	10-11-65	16 oz. (3 9/16 in.)	11- 1-65				
Vaca	10-11-65	16 oz. (3 9/16 in.)	11- 1-65				
Sherman	10-11-65	16 oz.	10-25-65	14 oz.	11- 8-65	10 oz.	11-29-65
Marcus	10-11-65	32 oz.	11-22-65				
Booth 10	10-18-65	16 oz. (3 19/16 in.)	11-15-65				
Booth 7	10-18-65	16 oz. (3 19/16 in.)	11- 1-65	14 oz. (3 3/16 in.)	11-15-65		
Avon	10-18-65	15 oz. (3 11/16 in.)	11- 8-65				
Booth 11	10-18-65	16 oz. (3 12/16 in.)					
Leona	10-18-65	14 oz.	11- 1-65				
Winslowson	10-18-65	18 oz. (3 14/16 in.)	11- 8-65				
Nelson	10-18-65	14 oz. (3 5/16 in.)	11- 1-65	12 oz. (3 9/16 in.)	11-15-65	10 oz. (3 1/16 in.)	12- 6-65
Catalina	10-25-65	18 oz.	11-15-65				
Hall	10-25-65	20 oz. (3 9/16 in.)	11- 8-65				
Lula	10-25-65	18 oz. (3 11/16 in.)	11- 8-65	14 oz. (3 9/16 in.)	11-22-65		
Choquette	10-25-65	24 oz. (4 1/16 in.)	11-22-65				
Herman	10-25-65	16 oz. (3 9/16 in.)	11- 8-65	14 oz. (3 9/16 in.)	11-22-65		
Chica	10-25-65	15 oz.	11- 8-65	13 oz.	11-22-65	10 oz.	12-13-65
Murphy	10-25-65	16 oz.	11- 8-65	14 oz.	11-22-65	11 oz.	12-13-65
Ajax (B-72)	11- 1-65	18 oz (3 14/16 in.)	11-22-65				
Booth 1	11- 1-65	16 oz. (3 12/16 in.)	11-22-65				
Booth 3	11- 1-65	16 oz. (3 9/16 in.)	11-22-65				
Taylor	11- 1-65	14 oz. (3 5/16 in.)	11-22-65				
Dunedin	11-15-65	16 oz. (3 19/16 in.)	11-29-65	14 oz. (3 3/16 in.)	12-13-65	10 oz. (3 1/16 in.)	1- 3-66
Byars	11-22-65	16 oz. (3 14/16 in.)	12-13-65				
Linda	11-22-65	18 oz. (3 15/16 in.)	12-13-65				
Nabal	11-22-65	14 oz. (3 9/16 in.)	12-13-65				
Wagner	12-13-65	12 oz. (3 5/16 in.)	1- 3-66				
Schmidt	1-24-66						
Itzamna	2-21-66						

(3) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) During the period beginning at 12:01 a.m., e.s.t., October 25, 1965, and ending at 12:01 a.m., e.s.t., November 15, 1965, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 11 ounces or is at least 3 2/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., July 5, 1965.

(ii) During the period beginning at 12:01 a.m., e.s.t., July 5, 1965, and ending at 12:01 am., e.s.t., July 12, 1965, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., July 12, 1965, and ending at 12:01 a.m., e.s.t., August 2, 1965, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) During the period beginning at 12:01 a.m., e.s.t., August 2, 1965, and ending at 12:01 a.m., e.s.t., September 20, 1965, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., September 20, 1965.

(ii) During the period beginning at 12:01 a.m., e.s.t., September 20, 1965, and ending at 12:01 a.m., e.s.t., October 18, 1965, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., October 18, 1965, and ending at 12:01 a.m., e.s.t., December 20, 1965, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (7) and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(c) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(d) The provisions of this regulation shall become effective at 12:01 a.m., e.s.t., May 31, 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5665; Filed, May 28, 1965; 8:47 a.m.]

/ectarine Order 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.319 Nectarine Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1.

(2) When used in this section, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title) and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5666; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.320 Nectarine Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this

section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Grand River, June Grand, Red June, or June Belle nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(ii) Such nectarines, when packed in any container other than the container specified in subdivision (i) of this subparagraph, measure not less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5667; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 4]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.321 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Sunrise, John River, Early River, Grand Haven, or Panamint nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5668; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 5]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.322 Nectarine Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Ad-

ministrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 6, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Princess, Quetta, Rose, Early Sun Grand, Sun Grand, Star Grand I, Star Grand II, Red King, Sun Flame, or Grandandy nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-eighth (2⅛) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5669; Filed, May 28, 1965; 8:48 a.m.]

[Avocado Regulation 13]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

§ 944.5 Avocado Regulation 13.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period beginning at 12:01 a.m., e.s.t., June 5, 1965, and ending at 12:01 a.m., e.s.t., April 30, 1966, shall grade not less than U.S. No. 2.

(2) Avocados of the Pollock variety shall not be imported (i) prior to 12:01 a.m., e.s.t., July 19, 1965; (ii) during the period beginning at 12:01 a.m., e.s.t., July 19, 1965, and ending at 12:01 a.m., e.s.t., August 2, 1965, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 10/16 inches in diameter; and (iii) during the period beginning at 12:01 a.m., e.s.t., August 2, 1965, and ending at 12:01 a.m., e.s.t., August 16, 1965, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter;

(3) Avocados of the Catalina variety shall not be imported (i) prior to 12:01 a.m., e.s.t., October 25, 1965; and (ii) during the period beginning at 12:01 a.m., e.s.t., October 25, 1965, and ending at 12:01 a.m., e.s.t., November 15, 1965, unless the individual fruit in each lot of such avocados weighs at least 18 ounces;

(4) Avocados of the Trapp variety shall not be imported (i) prior to 12:01 a.m., e.s.t., August 16, 1965; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 16, 1965, and ending at 12:01 a.m., e.s.t., September 13, 1965, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter;

(5) Avocados of any variety other than Pollock, Catalina, and Trapp shall not be imported (i) prior to 12:01 a.m., e.s.t., July 5, 1965; (ii) during the period beginning at 12:01 a.m., e.s.t., July 5, 1965, and ending at 12:01 a.m., e.s.t., July 12, 1965, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) during the period beginning at 12:01 a.m., e.s.t., July 12, 1965, and ending at 12:01 a.m., e.s.t., August 2, 1965, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (iv) during the period beginning at 12:01 a.m., e.s.t., August 2, 1965, and ending at 12:01 a.m., e.s.t., September 20, 1965, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex., 78551 (Phone—Garfield 3-5644), or	1 day.
	James L. Williams, Room 516 U.S. Courthouse, El Paso, Tex., 79901 (Phone—533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y., 10013 (Phone—Rector 2-8000, Ext. 7807).	Do.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Post Office Box 1646, Nogales, Ariz., 85612 (Phone—Atwater 7-2902).	Do.
All Florida points.	Hubert S. Flynt, 775 Warner St., Post Office Box 6697, Orlando, Fla., 32803 (Phone—841-2141), or	Do.
	Lloyd W. Boney, 1350 NW. 12th Ave., Room 538, Miami, Fla., 33136 (Phone—371-2517).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles, Calif., 90021 (Phone—622-8756).	3 days.
All other points	D. S. Matheson, Fruit and Vegetable Division, C & MS, Washington, D.C., 20250 (Phone—Dudley 8-5870 and 4560).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or

Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipments; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultral Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this section are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title). Importation means release from custody of the United States Bureau of Customs.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this section beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 7 which becomes effective May 31, 1965; (c) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: May 26, 1965, to become effective June 5, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5670; Filed, May 28, 1965; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the position of Director, Office of Appalachian Assistance. Effective on publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(33) Director, Office of Appalachian Assistance.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5677; Filed, May 28, 1965; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary

PART 4—ESTABLISHMENT OF CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Charges for Services Performed by Office of the Secretary

Part 4 of Subtitle A of Title 15 of the Code of Federal Regulations is amended to add the following.

§ 4.3 Charges for searching records and for copying records and documents performed by the Office of the Secretary of Commerce.

The charges for searching and for copying services performed by the Office of the Secretary of Commerce are established as follows:

(a) The charge for searching records and documents shall be $2.50 per half hour or fraction thereof, at the administrative convenience of the Department.

(b) The charges for copying records and documents shall be:

1. Photocopy prints (photostat, etc.)	
12" x 18" or smaller (each)	$1.00
18" x 24" (each)	2.00
2. Xerox copies (maximum size)	
9" x 14" (each)	0.25

(56 Stat. 1067, 5 U.S.C. 606)

Effective date: May 31, 1965.

Dated: May 25, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65–5655; Filed, May 28, 1965; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 339–65]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

REDELEGATION BY ASSISTANT ATTORNEY GENERAL IN CHARGE OF TAX DIVISION OF CERTAIN COMPROMISE AND CLOSING AUTHORITY

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), § 0.171 of Part 0 of Title 28 of the Code of Federal Regulations (Order No. 271–62) is hereby amended to read as follows:

§ 0.171 Redelegation by Assistant Attorney General in charge of Tax Division.

The Assistant Attorney General in charge of the Tax Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Second Assistant, to the Assistant for Civil Trials, and to the Chief of the Review Section in the Tax Division, and to U.S. Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

The amendment made by this order shall be effective upon the publication of this order in the FEDERAL REGISTER.

Dated: May 26, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65–5678; Filed, May 28, 1965; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5–8—TERMINATION OF CONTRACTS

PART 5–53—CONTRACT ADMINISTRATION

Termination of Contracts for Default

Chapter 5 of Title 41 is amended as set forth below:

1. The table of parts is amended to include new Part 5–8, as follows:

Part
5–8 Termination of contracts.

2. Part 5–8 is added, to read as follows:

PART 5–8—TERMINATION OF CONTRACTS

Subpart 5–8.6—Termination for Default

Sec.
5–8.601 General.
5–8.602 Default termination of fixed-price supply contracts.
5–8.602–3 Procedure in case of default.
5–8.603 Default termination of fixed-price construction contracts.
5–8.603–1 Termination of the contractor's right to proceed.
5–8.603–3 Procedure in case of default.

AUTHORITY: The provisions of this Part 5–8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–8.6—Termination for Default

§ 5–8.601 General.

(a) Action to terminate a contractor's right to proceed with the performance of a contract shall be taken by the contracting officer or, when specifically vested with such authority, another individual or ordering office. Such action should be initiated and conducted only on advice of legal counsel.

(b) No contract shall be terminated for failure to comply with the equal opportunity provisions of a contract except as provided in §§ 1–12.805–8 of this title and 5–12.805–8 of this chapter.

(c) The timely procurement of materials required for the performance of a contract is the responsibility of a prime contractor, and he is responsible for obtaining and submitting data to justify delays caused by subcontractors and suppliers.

§ 5–8.602 Default termination of fixed-price supply contracts.

§ 5–8.602–3 Procedure in case of default.

(a) In addition to the requirements of § 1–8.602–3(d) of this title, the notice of termination shall be specific with respect to the following:

(1) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(2) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work or secure delivery, as the case may be, in addition to any excess costs involved in obtaining performance elsewhere; and

(3) Instructions regarding the acquisition by the Government of any completed supplies or manufacturing materials.

(b) Language suggesting cancellation of the contract shall be avoided in issuing the notice of termination.

(c) The termination notice shall be signed by the contracting officer or other person properly vested with such authority.

(d) In order to assure that the contractor receives the termination notice, the contracting officer shall forward such notice via certified mail, return receipt requested, or other appropriate means which will assure a signed receipt for the notice.

(e) With respect to the distribution of the termination notice, see § 1–8.602–3(e) of this title. In addition to internal distribution within the service or staff office involved, copies of termination notices shall be furnished to the Office of Regional Data and Financial Management and to the Compliance Division. A copy of the notice shall also be furnished to any assignee of the contractor for the particular contract involved.

§ 5–8.603 Default termination of fixed-price construction contracts.

§ 5–8.603–1 Termination of the contractor's right to proceed.

In addition to being subject to the Termination for Default-Damages for Delay-Time Extensions clause contained in a contract, the contractor's right to proceed may also be terminated for violation of paragraph 1, Standard Form 19–A, Labor Standards Provisions—Applicable to Contracts in Excess of $2,000 (illustrated at § 1–16.901–19–A of this title).

§ 5–8.603–3 Procedure in case of default.

(a) In addition to the requirements of § 1–8.603–3(c) of this title, the notice of termination shall be specific with respect to the following:

(1) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(2) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work; and

(3) Instructions regarding the acquisition by the Government of such materials, appliances, and plant as may be on the site of the construction work and necessary therefor.

(b) Language suggesting cancellation of the contract shall be avoided in issuing the notice of termination.

(c) The termination notice shall be signed by the contracting officer or other person properly vested with such authority.

(d) In order to assure that the contractor receives the termination notice, the contracting officer shall forward such notice via certified mail, return receipt requested, or other appropriate means which will assure a signed receipt for the notice.

(e) With respect to the distribution of the termination notice, see § 1–8.602–3(e) of this title. In addition to internal distribution within the service or staff office involved, copies of termination notices shall be furnished to the Office of Regional Data and Financial Management and to the Compliance Division. A copy of the notice shall also be furnished to any assignee of the contractor for the particular contract involved.

3. In Part 5–53—Contract Administration, Subpart 5–53.4—Contract Performance:

a. Section 5–53.402(c) is revised to change a citation, to read as follows:

§ 5–53.402 Contractor performance under supply or service contracts.

* * * * *

(c) If it becomes apparent that the contractor cannot, or will not, perform in accordance with the terms of the contract, the contracting officer, as indicated in § 5–53.401(c), shall take appropriate action as provided in subpart 1–8.6 of Part 1–8 of this title and subpart 5–8.6 of Part 5–8 of this chapter.

b. Subpart 5–53.5 is deleted and the material heretofore contained therein is transferred, to the extent necessary, to new subpart 5–8.6 of Part 5–8 of this chapter.

Effective date. These regulations are effective immediately.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 24, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65–5657; Filed, May 28, 1965; 8:47 a.m.]

Chapter 6—Department of State

[Dept. Reg. 108.519]

MISCELLANEOUS AMENDMENTS TO CHAPTER

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811), as amended, 41 CFR Ch. 6 is amended as follows:

PART 6–1—GENERAL

Subpart 6–1.3—General Policies

1. Section 6–1.307 is revised to read as follows:

§ 6–1.307 General requirements.

Many services needed by the Government could be obtained by means of either personal service or nonpersonal service contracts. The distinction between the two is always one that rests on balancing all the factors in any individual case. Examples of the kinds of determinations that must be made to distinguish a personal service from a nonpersonal service contract are found in current personnel regulations. In a

personal service contract, the contractor is always an agent of the Government and never an independent contractor. However, it is sometimes true that in a nonpersonal service contract the contractor is an agent of the Government rather than an independent contractor. It is imperative that the services to be procured by means of nonpersonal service contracts be clearly and accurately described.

2. Section 6–1.350 is revised to read as follows:

§ 6–1.350 Procurement by Posts within the United States.

(a) Posts are authorized to make direct procurement from both commercial and governmental sources within the United States. Procurement from contracts of Government agencies (such as Federal Supply Schedules and Supply Schedules of the Department of State) may be made without dollar limitation except for any maximum order limitation which may be included in the contract or schedule. Purchases may be made direct from commercial sources within the United States when the aggregate amount of a single transaction (including cost of item, packing, freight and related costs) does not exceed $2,500.

(b) Procurements under paragraph (a) of this section are subject to the limitations of Part 6–5—Special and Directed Sources of Supply, of this chapter.

3. Sections 6–1.351—6–1.351–4 are revised to read as follows:

§ 6–1.351 Numbering contracts.

§ 6–1.351–1 Policy.

Expenditure and sales contracts required to be numbered are:

(a) Formally advertised contracts.

(b) Negotiated contracts in excess of $2,500.

(c) Construction contracts.

(d) All other contracts involving more than one payment or collection regardless of amount.

§ 6–1.351–2 Contract register.

Registers of numbered contracts will be established and maintained by contract number, contractor, commodity and period of time on a continuing basis.

§ 6–1.351–3 Numbering.

(a) *Post series.* The post series shall contain all written contracts except those contracts described in paragraphs (b) and (d) of this section. The post series shall be numbered in the following manner:

(1) The capital letter S, signifying the Department of State;

(2) The contract symbol number of the post making the procurement;

(3) The small letters fa preceded by a dash, signifying foreign administration; and

(4) A number preceded by a dash to be assigned to each contract in the post series.

(5) When contracting for another post, the post making the contract shall use their own symbol and series number plus the name of the post for whom procurement is made. For example, the third contract in the post series for Accra would be numbered S 424–fa–3.

(b) *FBO series.* The FBO series shall contain all post issued written contracts utilizing Office of Foreign Buildings funds including real estate leases utilizing Foreign Buildings funds or other funds. Contracts in the FBO series shall be numbered in the same manner as for the post series except that the letters "FBO" shall be used in lieu of the letters "fa". For example, the third contract in the FBO series for Accra would be numbered S424–FBO–3.

(c) *Department's Washington series.* The Department's Washington series shall contain all written contracts for procurement awarded by the Department from an office located within the United States except those contracts prepared for another agency under paragraph (d) of this section. The contract number shall consist of the letters "SCC" followed by a dash and the number assigned to the contract from the Washington series. For example, the third contract in the Department's Washington series would be numbered SCC–3.

(d) *Contracts for other Federal agencies.* Contracts prepared for other Federal agencies may be numbered in the post series for, if requested by the agency being served, in accordance with their request.

(e) *Reopening of post.* If a post is closed and subsequently reopened, the same contract symbol shall be used and the contract number shall start with the next consecutive number following the last number used before the post was closed.

(f) *Amendments.* Contract changes and modifications will be assigned the same number as the related contract followed by the words "Amendment No. ------" with the amendments numbered consecutively beginning with number "1" for each contract.

§ 6–1.351–4 Contract file.

Upon execution of a numbered contract, a contract file shall be established which shall contain a copy of the signed contract together with all supporting documents, a copy of each rejected bid or proposal together with all supporting documents, an abstract of bids showing items accepted or rejected and the reasons therefor and any other documents pertinent to the award and administration of the contract.

4. Section 6–1.352 is revised to read as follows:

§ 6–1.352 Distribution of numbered contracts.

(a) *Post series.* The signed original together with the original SF–1036 shall be forwarded to the Department with an operations memorandum, Subject: Finance. A signed copy of the contract with related SF–1036 shall be placed in the contract file (§ 6–1.351–4) and, if feasible, a signed copy furnished the contractor.

(b) *FBO series.* The signed original and one signed copy of both the contract and the SF–1036 shall be forwarded to the Department with an operations memorandum, Subject: Buildings. The memorandum shall specify the appropriation against which the contract will be paid and shall refer to the Departmental authority, if any, under which the contract was consummated. A signed copy of the contract with a SF–1036 shall be placed in the contract file and, if feasible, a signed copy furnished the contractor.

(c) Where the law of a foreign country requires that the original of a contract be retained in the country, a signed copy shall be forwarded to the Department in lieu of the original.

(d) *Department's Washington series.* The signed original together with the original SF–1036 if required shall be forwarded to the Department's Office of Finance. One signed copy shall be retained in the contract file and, if feasible, one copy shall be furnished to the contractor.

PART 6–2—PROCUREMENT BY FORMAL ADVERTISING

5. A new Subpart 6–2.1 is added to read as follows:

Subpart 6–2.1—Use of Formal Advertising

§ 6–2.102 Policy.

The policy set forth in FPR 1–2.102 that procurement shall be made by formal advertising whenever such method is feasible and practicable shall apply to procurement made within the United States.

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6. A new Part 6–3 is added to read as follows:

PART 6–3—PROCUREMENT BY NEGOTIATION

Sec.

AUTHORITY: The provisions of this Part 6–3 issued under 63 Stat. 111; 5 U.S.C. 151c; 22 U.S.C. 811.

§ 6–3.000 Scope of part.

(a) This part prescribes the policies and procedures applicable to procurement by negotiation by the Department both in and outside the limits of the United States and its possessions.

Subpart 6–3.1—Use of Negotiation

§ 6–3.101 General requirements for negotiation outside the United States.

(a) Procurement by negotiation may be effected under any of authorities and circumstances permitting negotiation in FPR 1–3.2.

(b) Formal advertising may be employed if its use is considered feasible and practicable under the conditions and circumstances of the procurement.

(c) Competitive solicitation shall be used to the maximum extent consistent with the procurement in accordance with FPR 1–3.101 (c) and (d).

(d) The authority to be cited on the Standard Form 1036 (Statement and Certificate of Award), or other document, in all negotiated procurement shall be the applicable section of FPR 1–3.2 except that all such procurement not in excess of $2,500 shall cite the authority of FPR 1–3.203 and procurement under FPR 1–3.215 (otherwise authorized by law) shall cite as authority the applicable law authorizing negotiation.

Subpart 6–3.2—Circumstances Permitting Negotiation

§ 6–3.210 Impracticable to secure competition by formal advertising.

(a) *Application.* (1) Section 321 of the Transportation Act of 1940 (49 U.S.C. 65) is not applicable to procurement outside the United States except to the U.S. portion of a shipment made to an oversea destination and to shipments between two points in the United States that pass through a foreign country.

(2) It is the policy of the Department not to require formal advertising in connection with procurement outside the United States, when competition by formal advertising is contrary to the locally accepted method of doing business.

Subpart 6–3.4—Types of Purchases

§ 6–3.405–3 Letter contract.

(a) Prior to the execution of a letter contract (FPR 1–3.405–3), the Chief, Division of Supply and Transportation Management, or, in the case of oversea posts, the Principal Officer of the post, shall determine in writing that no other type of contract is suitable. The determination shall establish the limit of effectiveness of the letter contract; i.e., the date by which the definitive contract will be entered into. This date shall not be more than 90 days from the date of the letter contract or the completion of 25 percent of the production of the supplies or the performance of the work called for under the contract, whichever occurs first.

(b) The maximum liability under a letter contract shall not exceed 50 percent of the total estimated contract price.

Subpart 6–3.6—Small Purchases

§ 6–3.604 Imprest funds (petty cash) method.

§ 6–3.604–3 Agency responsibilities.

Regulations of the Department regarding accounting for imprest funds (operating cash advances) by posts abroad are contained in 4 FAM.

§ 6–3.605 Order-Invoice-Voucher.

§ 6–3.605–1 Standard Form 44.

Standard Form 44 (Purchase-Invoice-Voucher) shall not be used for procurement by the posts.

§ 6–3.605–2 Standard Forms 147 and 148.

Standard Form 147 (Order-Invoice-Voucher) and Standard Form 148 (Order-Invoice-Voucher, Continuation Sheet) shall not be used for procurement by the posts.

§ 6–3.605–50 Foreign Service Forms 455 and 455a.

(a) *Prescribed forms.* Foreign Service Form 455 (Purchase Order, Receiving Report and Voucher) and Foreign Service Form 455a (Purchase Order, Receiving Report and Voucher, Continuation Sheet), provide in one set of forms a purchase or delivery order, receiving report, and public voucher, with requisite space for purchase data, and budget, accounting, and voucher payment data. These forms are prescribed for use by posts outside the United States:

(1) As a purchase order for small purchases.

(2) As a purchase order or delivery order against an established contract.

(3) As a delivery order against a blanket purchase order in accordance with section 1–3.606.

(4) As a voucher for small purchases from imprest funds when a voucher is required under regulations of the Department.

(b) *Procedure.* Foreign Service Forms 455 and 455a shall be prepared as prescribed thereon whenever applicable to the procurement involved. The description of the articles of services shall comply with section 1–1.307. Regulations of the Department regarding the receiving report and public voucher portions are contained in 4 FAM 400.

§ 6–3.606 Blanket purchase arrangements.

§ 6–3.606–5 Agency implementation under FPR 1–3.606–5.

(a) Blanket purchase arrangements for open market transactions shall not exceed 6 months and the total amount shall not exceed $2,500.

(b) Blanket purchase arrangements made under existing contracts may be made for the period of the contract and are not restricted as to dollar amount except that they may not exceed any dollar limitations contained in the contract.

(c) Contracting Officers may delegate authority to subordinates and to other individuals and offices to obtain supplies and services under blanket purchase arrangements. Such delegations will be in writing and will define the scope and limitations of the authority. The designated individual or office will be instructed on the use of the blanket purchase arrangement including the method and procedures to be following in obtaining, paying and accounting for supplies. The vendor shall be informed of the individuals or offices authorized to obtain supplies or services.

For the Secretary of State.

W. T. M. BEALE,
Acting Assistant Secretary for Administration.

MAY 17, 1965.

[F.R. Doc. 65–5615; Filed, May 28, 1965; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–7]

PART 170—COMMERCIAL ZONES Washington, D.C.

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 18th day of May A.D. 1965.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Pool's Drayage Co., intervener, filed March 10, 1965, for reconsideration, or, in the alternative, oral hearing, embracing motion for denial of exemption;

(2) Joint petition of B & P Motor Express, Inc., Tidewater Express Lines, Inc., W. T. Cowan, Inc., Davidson Transfer & Storage Co., Branch Motor Express Co., Wooleyhan Transport Co., and Accelerated Transport-Pony Express, Inc., interveners, filed March 17, 1965, for reconsideration, or, in the alternative, oral hearing;

(3) Petition of The Local & Short Haul Carriers National Conference, intervener, for reconsideration;

(4) Joint petition of petitioners in the entitled proceeding, filed March 19, 1965, for reconsideration and modification;

(5) Joint reply to petitions in (1) through (3) above by petitioners in the entitled proceeding, filed April 14, 1965;

and good cause appearing therefor:

It is ordered, That the petitions and the motions be, and they are hereby, denied, and overruled, respectively, for the reason that the findings of Operating Rights Review Board Number 1 in its second report on petition of February 5, 1965, are in accordance with the evidence and the applicable law; and that no sufficient or proper cause appears for reopening the proceeding for reconsideration or for oral hearing, or for granting any of the other relief sought;

It is further ordered, That the order of February 5, 1965 (30 F.R. 2401, 2712), as indefinitely postponed pursuant to section 17(8) of the Interstate Commerce Act, be, and it is hereby, reinstated, and the effective date is fixed as July 6, 1965.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5649; Filed, May 28, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

WASHITA NATIONAL WILDLIFE REFUGE, OKLAHOMA

Proposed Addition to Hunting List

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401, 16 U.S.C. 661), it is proposed to amend 50 CFR 32.21 by the addition of the Washita National Wildlife Refuge, Okla., to the list of wildlife refuges open to the hunting of upland game, as legislatively permitted.

It has been determined that regulated hunting of upland game may be permitted as designated on the Washita National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

OKLAHOMA

Washita National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

MAY 25, 1965.

[F.R. Doc. 65-5642; Filed, May 28, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Termination of Order

Correction

In Federal Register Document 65-5383, published in the issue of May 22, 1965, 30 F.R. 6947, the word "pursuant", in the last sentence of the third paragraph, should read "pursued".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldrin and Dieldrin; Notice of Proposal To Amend Tolerances

The Food and Drug Administration, under its program of continuous review and reevaluation of the safety of pesticide residue tolerances on raw agricultural commodities, reached a conclusion in March 1963 that there was a question about the adequacy of the toxicity data for aldrin and dieldrin in the light of evolving criteria with respect to safety requirements and of new scientific studies. It was decided to refer the question to a scientific advisory committee for advice whether the safety basis for the tolerances was adequate. Accordingly, the Commissioner of Food and Drugs appointed a committee of experts from a panel nominated by the National Academy of Sciences—National Research Council to advise him on this matter. The report rendered by this Advisory Committee on March 25, 1965, is available for review in the office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

Aldrin and dieldrin have been used in agriculture to combat pests on food crops for a number of years. On the basis of evidence presented at the 1950 spray residue hearings, on March 11, 1955 (20 F.R. 1473), a tolerance of 0.1 part per million was established for residues of aldrin on potatoes and sweetpotatoes, and a tolerance of 0.1 part per million for residues of dieldrin on apricots, nectarines, onions, and peaches. On the basis of petitions submitted by Shell Chemical Co., New York, N.Y., tolerances were subsequently established for these pesticides on additional crops.

Tolerances were added for aldrin on 39 fruits and vegetables at 0.25 part per million and on 22 fruits and vegetables at 0.1 part per million. Tolerances for aldrin were also established on 5 grains at 0.1 part per million, with tolerances on the straw of these grains at 0.75 part per million.

Tolerances were added for dieldrin on 32 fruits and vegetables at 0.25 part per million and on 18 fruits and vegetables at 0.1 part per million. Tolerances for dieldrin were also established on 5 grains at 0.1 part per million, with tolerances on the straw of these grains at 0.75 part per million.

Zero tolerances were established for aldrin on 17 crops and for dieldrin on 21 crops.

Safety data presented in these petitions in conjunction with toxicity studies by the Food and Drug Administration were deemed adequate at the time for establishing these tolerances. After a comprehensive review, the Advisory Committee concluded that presently available data on these pesticides do not justify maintaining tolerances at their present levels indefinitely. The Committee recommends:

(1) Reduction of exposures whenever possible, particularly reduction of excessive exposures from environmental sources, this to be accomplished primarily by the dissemination of pertinent information;

(2) Discontinuance of the tolerance of 0.25 part per million for the raw agricultural commodities having this tolerance, with resubmission of evidence requesting a tolerance of 0.1 part per million where use can be modified to meet this level;

(3) Continuation of existing tolerances at 0.1 part per million;

(4) Reevaluation of existing and reduced tolerances within 3 years by another committee.

(5) In the expectation that there will be continued use of aldrin and dieldrin indefinitely, from which food contamination would occur and for which tolerances are therefore needed, the Committee recommends that additional studies be conducted. These studies may include: (a) Definitive investigations of carcinogenicity in two animal species; (b) establishment of no-effect levels in two animal species; (c) study of the metabolic fate of aldrin and of dieldrin in the human as well as in experimental animals; (d) epidemiological studies in man, including groups occupationally exposed to the pesticides, with correlations of exposures and fat storage; (e) further attempts to estimate the maximal predicted human exposure.

In assessing total human exposure to aldrin and dieldrin, the Committee cited studies (1961–1964) by the Food and Drug Administration which reported residues in ready-to-eat total diets and constituent categories. The Committee estimated the average dietary intake of aldrin plus dieldrin to be approximately 0.01 part per million.

The Advisory Committee report is silent with respect to transfer of residues of aldrin and dieldrin from treated animal feed and forage crops to milk and meat. However, data before the Commissioner, including a recent study by the Food and Drug Administration in cooperation with the U.S. Department of Agriculture (Journal of the Association of Official Agricultural Chemists, volume 47, page 1124, 1964), show that residues of aldrin and dieldrin in feed will transfer as dieldrin to milk and meat. These data indicate that residues of aldrin at the tolerance level in sugarbeet tops and of aldrin and dieldrin at the tolerance level in grains and in straw will result in residues of dieldrin in milk and meat when these items are consumed by livestock. The residues in sugarbeets (roots) and citrus would be expected to persist

at least in part in beet pulp and dried citrus pulp and to transfer from these feeds to milk and meat. There are no tolerances for residues of aldrin or dieldrin in milk or meat, and the data available do not support establishing such tolerances.

After consideration of the findings and recommendations of the Advisory Committee, and other available data, the Commissioner concludes that there would be no undue hazard to the public health in continuing for 3 years, at the level of 0.1 part per million, tolerances for residues of aldrin and dieldrin on the crops presently listed at 0.25 part per million (with the exception of citrus) and also on the crops presently listed at 0.1 part per million (with the exception of sugarbeets, including tops, and grains and straw). Tolerances of 0.1 part per million for aldrin and dieldrin would be established for citrus and restored for aldrin for sugarbeets (roots) only on a showing that the residues within the tolerance would not transfer to the by-product feeds made from these crops in amounts which would result in residues in milk and meat. Except as noted above, the tolerances presently established at 0.25, and now being reduced to zero may be reestablished at 0.1 part per million, provided data are presented to show that usage can be modified to meet this reduced level and the Secretary of Agriculture can certify usefulness under usage modifications necessary to meet such reduced level. The Commissioner further concludes that there should be a reconsideration of these tolerances in 3 years, or earlier if the results of the recommended scientific studies are available.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a(b), (e)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), it is proposed by the Commissioner on his initiative that:

1. That § 120.135 be amended by deleting and discontinuing finite tolerances and substituting a tolerance of zero for each of the following: Apples, apricots, barley grain, barley straw, beets (garden), garden beet tops, beets (sugar) or sugarbeet tops, broccoli, brussells sprouts, cabbage, carrots, cauliflower, collards, cucumbers, endive (escarole), garlic, grapefruit, horseradish, kale, kohlrabi, leeks, lemons, lettuce, limes, mustard greens, oat grain, oat straw, onions, oranges, parsnips, peanuts, pears, quinces, radishes, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify tops, salsify root, shallots, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops, wheat grain, wheat straw.

2. That § 120.137 be amended by deleting and discontinuing finite tolerances and substituting a tolerance of zero for each of the following: Apples, bananas, barley grain, barley straw, beets (garden), garden beet tops, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, endive (escarole), grapefruit, kale, kohlrabi, lemons, lettuce, limes, mustard greens, oat grain, oat straw, oranges, pears, pineapple, quinces, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify tops, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops, wheat grain, wheat straw.

As amended, § 120.135 would read as follows:

§ 120.135 Aldrin; tolerances for residues.

Tolerances for residues of the insecticide aldrin in or on raw agricultural commodities are established as follows:

0.1 part per million in or on asparagus, cantaloup, celery, cherries, cranberries, eggplant, grapes, mangoes, muskmelons, nectarines, peaches, peppers, pimentos, pineapple, plums (fresh prunes), potatoes, pumpkins, strawberries, sweetpotatoes, tomatoes, watermelon, winter squash.

Zero in or on alfalfa, apples, apricots, barley grain, barley straw, beans, beets (garden), garden beet tops, beets (sugar), sugarbeet tops, black-eyed peas, broccoli, brussels sprouts, cabbage, carrots, cauliflower, clover, collards, corn forage, corn grain, cowpeas, cowpea hay, cucumbers, endive (escarole), garlic, grain sorghum, grain sorghum forage, grapefruit, horseradish, kale, kohlrabi, leeks, lemons, lespedeza, lettuce, limes, mustard greens, oat grain, oat straw, onions, oranges, parsnips, peanuts, peanut hay, pears, peas, pea hay, popcorn, quinces, radishes, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify roots, salsify tops, shallots, soybeans, soybean hay, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops, wheat grain, wheat straw.

As amended, § 120.137 would read as follows:

§ 120.137 Dieldrin; tolerances for residues.

Tolerances for residues of the insecticide dieldrin in or on raw agricultural commodities are established as follows:

0.1 part per million in or on apricots, asparagus, carrots, cranberries, eggplant, grapes, horseradish, mangoes, nectarines, onions, parsnips, peaches, peppers, pimentos, plums (fresh prunes), potatoes, radishes, radish tops, salsify roots, strawberries, sweetpotatoes, tomatoes.

Zero in or on alfalfa, apples, bananas, barley grain, barley straw, beans, beets (garden), garden beet tops, black-eyed peas, broccoli, brussels sprouts, cabbage, cauliflower, cantaloup, celery, cherries, clover, collards, corn forage, corn grain, cowpeas, cowpea hay, cucumbers, endive (escarole), grain sorghum, grain sorghum forage, grapefruit, kale, kohlrabi, lemons, lespedeza, lettuce, limes, muskmelons, mustard greens, oat grain, oat straw, oranges, pears, peas, pea hay, pineapple, popcorn, pumpkins, quinces, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify tops, spinach, soybeans, soybean hay, summer squash, Swiss chard, tangerines, turnips, turnip tops, watermelons, wheat grain, wheat straw, winter squash.

After reviewing the Committee report, the Shell Chemical Co. informed the Food and Drug Administration that several of the recommended toxicity studies are already in process and others are planned. They also advised that they were assembling data to support reestablishment of certain of the 0.25 part per million tolerances at the reduced level of 0.1 part per million. Petitions presenting some of these data were submitted on April 23, 1965, and are currently under study. To the extent possible the final order on this proposal will reflect the results of consideration of the Shell Chemical Co. petitions.

The newly established tolerances for aldrin and dieldrin shall become effective upon the date of publication of a final order, with the following exception:

The Commissioner recognizes that aldrin and dieldrin have already been used this season on the production of certain growing crops. Presumably they have been used in accordance with their labeled directions for use registered with the U.S. Department of Agriculture. Such uses may result in residue levels in or on the raw agricultural commodities in excess of the proposed newly established tolerances.

In the light of the findings and conclusions of the Advisory Committee and of the Food and Drug Administration's current findings in its continuing total diet studies that the total dietary intake of aldrin and dieldrin is well below the 0.01 part per million estimate of the Committee, it is concluded that an orderly transition to the new tolerances can be made without undue hazard to public health.

Accordingly, the Food and Drug Administration will not proceed against a raw agricultural commodity containing a residue level of aldrin or dieldrin in excess of a newly established tolerance but within an old established tolerance if there is evidence available to the Food and Drug Administration to support a conclusion that such level resulted from the application of the aldrin or dieldrin prior to the effective date of the final order and that such application was in accordance with its registered directions for use.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing aldrin or dieldrin may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments on the proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 19, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5700; Filed, May 28, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 16186]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Nonscheduled Operations

MAY 25, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 241 of the Economic Regulations (14 CFR Part 241) which would have the effect of establishing requirements for the reporting by route air carriers of the charter and special service revenue aircraft miles flown, to be submitted annually in a new Schedule T–41 of the CAB Form 41 report.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendment is set forth below. The revised regulation is proposed under authority of sections 204(a) and 407(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material received on or before June 28, 1965, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In view of the enactment of Public Law 87–528, which authorizes the certificating of the supplemental air carriers as charter operators and grants to the all-cargo air carriers the right to engage in passenger charters subject to Board regulation, more information is needed concerning the overall nature of the charter market than is now provided by the operations reports presently submitted by the route carriers in CAB Form 41. Specifically, the Board desires the data necessary to compute the number of revenue aircraft miles flown by the carriers in charter and special services, both on-route and off-route. In each case, it needs to know the respective mileages flown in the transportation of passengers, of cargo, and of passengers and cargo jointly. In view of the important position of military charters in this market, the Board is particularly interested in learning the number of revenue aircraft miles flown for the defense establishment and for others in each of these categories.

The supplemental air carriers already supply most of the above information in their Form 41 reports (Schedule T–3.1). While the route carriers presently report the number of revenue aircraft miles flown in irregular and charter operations (Schedule T–1), and in domestic, territorial, and international nonscheduled services (Schedule T–1(a)) and breakdown nonscheduled aircraft miles into charter and other irregular services (Schedule T–3), they are not required to show how much of these services are for the military and how much are for others, nor do their reports indicate the respective revenue aircraft mileage flown in their passenger, cargo, or combination charter and special service operations. They report the total number of off-route miles flown, but without any breakdown into the above categories.

The submission by the route carriers of the data above described would not only aid the Board in the areas mentioned, but would provide necessary information to police the limitations upon the amount of charter services permitted the route carriers under the provisions of Part 207, as recently revised (ER–419, effective Oct. 26, 1964).

The proposed rule set forth below would achieve the foregoing objectives with minimum burden to the carriers affected, by the establishment of a new reporting schedule, designated as Scheduled T–41 of CAB Form 41, to be submitted annually by route air carriers only. A proposed Schedule T–41 is attached.[1]

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1965, as follows:

1. By amending Section 22—"General Reporting Instructions" by inserting in the listing of schedules, between "T–7 Domestic Deferred Airfreight" and "G–41 Persons Holding More than 5 per centum of Respondent's Capital Stock or Capital" the following:

T–41 Charter and Special Service Revenue Aircraft Miles Flown, Annually, 90.

2. By amending Section 25 "Traffic and Capacity Elements" by inserting after "Schedule T–7 Domestic Deferred Airfreight" the following:

Schedule T–41 Charter and Special Service Revenue Aircraft Miles Flown.

(a) This schedule shall be filed by each route air carrier.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier during the calendar year.

(c) Total charter and special service revenue aircraft miles flown by the reporting air carrier during the calendar year shall be reflected in this schedule by combination carriers and all-cargo carriers in the sections provided therefor, respectively. Such data shall be broken down to reflect revenue aircraft miles flown for the Department of Defense and for all other customers.

(d) The revenue aircraft miles flown for the Department of Defense and for all other customers shall be further broken down to reflect operations between certificated points and operations not between certificated points. (Include under these headings charters performed under exemption authority.) Within each of these categories the reported data shall reflect the number of miles flown in planeload transportation of (1) passengers exclusively; (2) cargo exclusively; and (3) passengers and cargo jointly. In the case of charters performed by all-cargo carriers for the Department of Defense between certificated points, the passenger legs of trips on which the legs in the other direction involved transportation of cargo shall be shown separately as a subtotal. Also, in the case of all-cargo carriers, cargo charter revenue aircraft miles flown which are not between certificated points shall be broken down to reflect those within and those outside of the carrier's area of operations as defined in § 207.6. In the event special services are performed by any reporting carrier the mileage in such services shall be separately identified.

[F.R. Doc. 65–5658; Filed, May 28, 1965; 8:47 a.m.]

[1] Filed as part of the original document.

FEDERAL AVIATION AGENCY

[14 CFR Part 73]

[Airspace Docket No. 65–SO–16]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area near Gainesville, Miss.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed restricted area, requested by the National Aeronautics and Space Administration (NASA), would be described as follows:

Boundaries. Beginning at latitude 30°-21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°-34'04" W.; to the point of beginning.

Altitudes. From the surface to 5,000 feet m.s.l.
Time of Use. Continuous.
Using Agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.
Controlling Agency. Federal Aviation Agency, Houston ARTC Center.

NASA is requesting the joint use restricted area to protect aircraft from possible explosion hazards which could occur in the static testing of large space vehicle stages. The boundaries and altitude of the area are necessary to encompass fragmentation resulting from accidental fires and explosions.

To protect persons on the ground, NASA has informed the FAA that ground access to all areas surrounding the test complexes is controlled by NASA so that unauthorized personnel are cleared from hazardous areas during operations which result in potential danger.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5632; Filed, May 28, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-51]

POOLING BY MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of April A.D. 1965.

It appearing, that this proceeding was instituted by an order of the Commission, Division 3, entered June 18, 1958, 23 F.R. 5133, pursuant to section 4(a) of the Administrative Procedure Act and sections 5(1), 12(1), and 204(a) (1) and (6) of the Interstate Commerce Act, for purposes therein stated in lettered paragraphs (a) through (e), inclusive;

It further appearing, that in the FEDERAL REGISTER of October 18, 1961, 26 F.R. 9786, in connection with paragraph (e) of the order, there were published tentative rules proposed by the Bureau of Finance of the Commission;

It further appearing, that thereafter the Commission decided to recommend legislation to exempt motor carriers of household goods from the provisions of section 5(1); that no affirmative action was taken on the aforesaid tentative rules; and that by order of the Commission, dated December 7, 1962, 28 F.R. 40, this proceeding was discontinued;

It further appearing, that in the 77th and 78th Annual Reports to the Congress, the Commission recommended that section 5(1) be amended to exempt contracts, agreements, or combinations affecting the transportation of household goods to which common carriers by motor vehicle in interstate or foreign commerce may be parties for the pooling or division of traffic, service, or earnings; and that a bill was introduced in the 88th Congress and another bill has been introduced in the 89th Congress to implement the Commission's recommendation;

It further appearing, that the Commission is concerned with the situation prior to the enactment of such legislation, and so long as legislation has not been enacted, has caused to be prepared proposed rules and regulations set forth below; and

It further appearing, that consideration should be given to the issuance of an order approving certain pooling actions by household goods carriers and therein permitting pooling arrangements, within the scope of such order, by individual agreements between carriers, copies of such agreements being filed with the Commission; and to consider in connection with such an order the areas wherein pooling by household goods carriers will be in the interest of better service to the public and economy of operation without undue restraint of competition; therefore:

It is ordered, That this proceeding be, and it is hereby, reopened for consideration of the proposed rules and regulations, or such other rules and regulations as may be found to be reasonable.

It is further ordered, That this proceeding be, and it is hereby, referred to Division 3 for administrative handling.

It is further ordered, That interested persons may file on or before June 30, 1965, with the Commission, written statements containing data, views, and arguments concerning the proposed rules and regulations, and may request oral hearing or oral argument thereon, in accordance with the Commission's general rules of practice; and

It is further ordered, That notice of this order and the proposed rules and regulations shall be given to the general public by depositing a copy of this order and attached appendix in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

Rules and regulations proposed for adoption by the Commission to govern pooling by motor common carriers of household goods.

It is proposed that 49 CFR Part 176, Transportation of Household Goods in Interstate or Foreign Commerce, be amended by adding new rules numbered §§ 176.50 through 176.55 to read as follows:

Sec.
176.50 Applicability.
176.51 Definitions.
176.52 Pooling plans.
176.53 Grounds for dismissal.
176.54 Disclaimer of pooling.
176.55 Relief from antitrust laws.

§ 176.50 Applicability.

Sections 176.50 to 176.55 apply (a) to pooling or division of traffic service, or earnings, (b) where the parties are common carriers by motor vehicle subject to part II of the Interstate Commerce Act (c) insofar as the property transported consists of household goods, and (d) to the extent section 5(1) of the act is applicable.

§ 176.51 Definitions.

As used in §§ 176.50 to 176.55, the term "agreement" shall be construed to mean an agreement or substantially similar agreements between a principal and other carriers, or between principals, containing or referring to a pooling plan; the term "pooling plan" shall mean the detailed arrangements by the carriers involved in the agreement or agreements for the pooling or division of traffic, service, earnings, or any portion thereof; and the term "principal" shall mean the carrier filing an agreement or agreements under this rule with the assent of other carriers involved. If the parties to an agreement are equal and independent carriers, no one of which is considered the principal, the carrier parties to the agreement may file the agreement with the assent of each other, and all will be deemed principals of the pooling plan.

§ 176.52 Pooling plans.

(a) *Filing.* A principal or principals may file the original and five copies of any agreement and pooling plan, either within 120 days after the effective date of §§ 176.50 to 176.55 with respect to a pooling plan or an arrangement which might be construed to be a pooling plan now in existence, or at any time with respect to a proposed pooling plan not in existence, at the office of the Interstate Commerce Commission in Washington, D.C., together with a short statement by the principal(s) giving facts and reasons to support a finding that the pooling plan will be in the interest of better service to the public by the carrier parties, or will be in the interest of economy in operations by the carrier parties, and will not unduly restrain competition for the transportation of household goods. The filing should designate one counsel for the principal(s), or designate one of the principals, as the party upon whom complaints or orders should be served relating to the filing, and show the address of the principal(s).

(b) *Effectiveness.* Any agreement so filed will, effective 30 days following the date it is filed, be lawful under section 5(1) of the Interstate Commerce Act, unless the Commission shall, upon complaint or upon its own initiative, elect to issue an order setting the matter for further proceedings to determine whether the pooling plan is in the interest of better service to the public or economy in operations, and will not unduly restrain competition. If such order for further proceedings is issued, the agreement will not become lawful except by further order of the Commission.

(c) *Complaints.* No complaint will form the basis for further proceedings unless it specifies valid respects in which the agreement or its embraced pooling plan is not in the interest of better service to the public or of economy in operation, or will unduly restrain competition.

(d) *Parties.* (1) Upon notice to the Commission at any time, with the assent of the principal, other carriers who or which are parties or propose to become parties to the same or a substantially similar agreement may become parties to the pooling plan without making an application under section 5(1). Unless all carriers involved have assented generally in advance to other carriers becoming parties, the principal shall notify such carriers of each proposed additional party by depositing a notice in the United States mail addressed to the last known address of each such carrier. If no objection is made within not less than 10 days, upon notice to the Commission, the proposed additional carrier shall become a party to the pooling plan.

(2) Any carrier may be or become a party to more than one pooling plan with the assent of the principal of each such plan.

(3) Any carrier may withdraw from a pooling plan upon notice to the Commission and to the principal.

(4) Upon revocation or transfer of the rights of any carrier to transport household goods, or upon the principal giving notice in writing to a carrier and to the Commission of the termination of an agreement between the principal and such carrier as therein provided, the participation of such carrier in the pooling plan shall be deemed to have been terminated.

(5) If the rights and privileges under an agreement filed under this rule are transferable, the transferee of the operating rights of such carrier will be deemed to have become a party to the pooling plan upon consummation of the transfer unless the Commission is notified otherwise. An agreement will be presumed to be transferable unless otherwise specified. If the agreement is not transferable, the transferee of the operating rights may become a party as provided in subparagraph (1) of this paragraph.

(6) Approval and authorization of the Commission and the assent of all the carriers involved shall be required to substitute a new principal of a pooling plan.

(e) *Records.* (1) The Commission will assign to each pooling plan a docket number. The same agreement filed by more than one carrier will be assigned the same docket number.

(2) If the plan involves more than one agreement and more than two carriers, the principal shall number the agreements, amendments, and parties in an appropriate manner.

(3) The principal shall require and preserve written assents, dated and manually signed, by each carrier involved in the pooling plan.

(4) After the docket number is assigned, the principal shall file a list of the carriers who or which have assented to the pooling plan.

(5) The docket number and appropriate numbers assigned by the principal shall be shown on the first page of each document thereafter filed with the Commission relating to the pooling plan.

(6) The principal and each carrier party to a pooling plan shall preserve and keep open to inspection by a special agent or examiner of the Commission, as provided in § 177.1 of this chapter, at its principal office, a copy of each agreement entered into under §§ 176.50 to 176.55.

(7) The principal shall prepare and keep a roster of parties to the pooling plan, showing the names, addresses, and lead certificate docket numbers of all the carriers involved, and shall file a copy of the current roster with the Commission annually.

§ 176.53 Grounds for dismissal.

Failure of the principal to comply within a reasonable time, not less than 30 days, to be fixed by the Commission, with an order of the Commission commanding obedience to §§ 176.50 to 176.55 or to the terms and conditions of an agreement filed hereunder, shall be grounds for dismissal of the pooling plan.

§ 176.54 Disclaimer of pooling.

If the existence of pooling is open to reasonable doubt, the principal or any other party to an agreement filed under §§ 176.50 to 176.55 may disclaim the existence of pooling and any admission thereof from the filing of such agreement or assent thereto; in such case, however, the principal or other party shall state the material facts pertinent to the possible existence of pooling or division. A disclaimer will be recorded but not processed unless accompanied by a motion to dismiss. Unless and until a dismissal order is entered, each carrier shall comply with §§ 176.50 to 176.55 as if no such disclaimer had been filed.

§ 176.55 Relief from antitrust laws.

Parties to an agreement lawful under §§ 176.50 to 176.55, their officers and employees, and any other persons participating in such agreement in conformity with §§ 176.50 to 176.55 are relieved from the operation of antitrust laws with respect to the making of such agreement and with respect to the carrying out of such agreement in conformity with its provisions and in conformity with §§ 176.50 to 176.55.

[F.R. Doc. 65-5650; Filed, May 28, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-7603]

BROKERS AND DEALERS NOT MEMBERS OF REGISTERED NATIONAL SECURITIES ASSOCIATION

Qualifications Requirements and Initial Assessments

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15b8-1 (17 CFR 240.15b8-1), and related reporting forms, under section 15(b)(8) of the Securities Exchange Act of 1934 ("Exchange Act") establishing qualifications requirements for registered brokers and dealers who do an over-the-counter business and who are not members of a national securities association registered with the Commission[1] and their principals, salesmen, and other associated persons. The proposed rule would be adopted pursuant to provisions of the Securities Exchange Act of 1934, and particularly those provisions of the Securities Acts Amendments of 1964, Public Law 88-467, enacted on August 20, 1964, authorizing the Commission to adopt rules and regulations requiring registered brokers and dealers that are not members of a registered national securities association, and persons associated with such brokers or dealers, to meet prescribed standards of training, experience, and other qualifications.

1. *Examination requirement.* Section 15(b)(8) gives the Commission authority to "appropriately classify brokers and dealers and persons associated with brokers and dealers (taking into account relevant matters, including types of business done and nature of securities sold)" and to "require persons in any such class to pass examinations." It also authorizes the Commission to "prescribe by rules and regulations reasonable fees and charges to defray its costs" in carrying out the section, "including, but not limited to, fees for any examination administered by it, or under its direction."

The importance of a qualifications examination for persons engaging in the sale and solicitation of securities was emphasized by the Special Study of Securities Markets, which the Commission transmitted to the Congress in 1963. The Special Study noted the inadequacy of controls over entry into the securities business by unqualified persons,[2] and it recognized that a qualifications examination is a "basic regulatory control in respect to competence." In a recent opinion, the Commission referred to the "vital importance of examinations in the program of upgrading the level of competence in the securities business."[3]

At the present time, most authorities with regulatory responsibility over the securities industry require successful completion of a general securities examination as a prerequisite for entry by salesmen and others into the business. An examination requirement is imposed by the major stock exchanges, the NASD, and 30 States.[4] Currently, however, many persons associated with brokers and dealers that are not members of a registered national securities association may enter the business with no qualification test of any kind.

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[1] At present the National Association of Securities Dealers, Inc. ("NASD") is the only such association.

[2] See Report of Special Study of Securities Markets, Pt. 1, pp. 47-159.

[3] In the Matter of Hugh M. Casper, SEA Rel. No. 7479 (Dec. 7, 1964).

[4] Of 30 States requiring applicants to pass an examination of a general securities nature, 22 use the State Securities Sales Examination developed by the New York Stock Exchange. Four States use a general securities examination prepared by the individual State, and three States use the NASD examination. In addition to a general securities examination, 20 States also require applicants to pass a written examination covering State securities laws.

Proposed Rule 15b8–1 (17 CFR 240.-15b8–1) would prohibit any nonmember broker or dealer as defined by the rule, from effecting any transactions over the counter unless every "associated person"[5] within certain defined categories has successfully completed a general securities examination. This is consistent with the Special Study recommendation that a standard examination be taken by salesmen, supervisors and principals, which would cover a "core of basic subjects."

Associated persons would be subject to the examination requirement if any part of their securities activities is in sales, trading, research, or investment advice, advertising, public relations, hiring or recruitment of salesmen, training of salesmen, underwriting and private placements, or management and administration. The grade or grades for successful completion shall be as determined by the Commission.

A person who became associated with a registered broker or dealer prior to July 1, 1963, would be exempted from the examination requirement if he has been associated continuously with any registered broker or dealer since that date; and, since that date, has not had any disciplinary sanction imposed on him, has not been found to have wilfully violated any of the Federal securities laws, or has not been found to be a cause of any disciplinary action, by any Federal or State agency or self-regulatory organization. Other persons subject to the examination requirement on the effective date of the proposed rule would be given 6 months to complete the examination successfully.

The general securities examination will cover the following subjects: Characteristics of corporate structure, legal obligations of the corporation to its stockholders, financial statements and corporate accounting theory, types of securities; differences between various kinds of open-end and closed-end investment companies, characteristics of contractual plans, evaluation of investment company securities in the light of investment objectives of different customers, pertinent provisions of the Investment Company Act of 1940, and rules adopted thereunder and the Commission's Statement of Policy; provisions of the Securities Exchange Act of 1934 pertaining to the conduct of brokers and dealers and persons associated with them and rules adopted thereunder; methods used for the underwriting and distribution of securities, prospectus and registration requirements of the Securities Act of 1933 and rules adopted thereunder; regulation of exchanges, exchange members, and issuers whose securities are registered under the Securities Exchange Act of 1934 and rules adopted thereunder; trading methods; and types of securities traded on the exchanges and over-the-counter markets.

An applicant who fails the examination on his first attempt would be required to wait at least 30 days before he could retake the examination. After a second failure, he would have to wait 60 days before retaking the examination, and after a third or subsequent failure, the required waiting period would be 90 days.

An associated person may also fulfill the examination requirement by successful completion of one of the following examinations: the State Securities Sales Examination; the Examination for Principals or the Examination for Qualification as a Registered Representative of the National Association of Securities Dealers, Inc.; the Standard Examination for Registered Representatives, the Branch Office Manager Examination, the Allied Member Examination, the Floor Member Examination, the Registered Traders Examination or the Supervisory Analyst Examination of the New York Stock Exchange; the Examination for Qualification as a Registered Representative, the Examination for Branch Office Managers of Member Firms, the Examination for Office Partners of Member Firms, the Examination for Floor Partners of Member Firms, the Supervisory Analyst Examination, or the Registered Traders Examination of the American Stock Exchange. These examinations are comparable to the general securities examination proposed to be given by the Commission, and the Commission proposes to accept these examinations in satisfaction of the examination requirement to avoid duplication of effort and excessive burden and cost to the industry. Several States already use one or more of these examinations for qualifications purposes. When the Commission adopts rules of conduct under section 15(b)(10) of the Exchange Act for nonmembers of a registered securities association, associated persons choosing to fulfill the examination requirement by passing an examination given by another regulatory authority may also be required to take an additional examination testing their knowledge and understanding of these rules.

The Commission expects to coordinate closely its examination program with those of the NASD, the exchanges and the State administrators with the goal of having a uniform securities examination covering a core of basic subjects to be used by all regulatory and self-regulatory agencies. Such a standard examination could be supplemented as any particular agency might desire for its own purposes.

The Commission is now exploring methods of administering the examination requirement, including the possibility of using the facilities of the NASD or of a Federal Government agency engaged in the administration of examinations. It is anticipated that the fee will not be in excess of the fee charged by the NASD for administration of its examination.

A reasonable amount of time before the general securities examination is given for the first time, the Commission expects to issue further information concerning the examination, including study materials, standards of grading, examination fees, and time and location for taking the examination.

2. *Personnel form.* Proposed Rule 15b8–1 (17 CFR 240.15b8–1) would require that every broker-dealer subject to the rule file with the Commission a personnel form (designated Form SECO–2) (17 CFR 249.502) for every associated person. This information would be maintained by the Commission in a nonpublic file. This requirement would correspond to the registration requirements for registered representatives of the NASD and the major stock exchanges. The requirement has two major purposes: To give the Commission information concerning persons associated with broker-dealers in order to assist in formulating standards of qualifications and conduct; and to insure that the requirements under section 15(b)(8) are complied with.

Every nonmember broker-dealer must file Form SECO–2 (17 CFR 249.502) for each associated person before he begins to act in that capacity, with the exception that filing for persons who are associated persons on the effective date of the Rule 15b8–1 (17 CFR 240.15b8–1) must be made within 60 days for those who are not subject to the examination requirement, and within 6 months for those who are subject to it.

Proposed Form SECO–2 (17 CFR 249.502) consists of two parts. The first, to be completed by the associated person, requires information concerning the person's educational background, his business associations for the preceding 10 years, and the States in which he is licensed to engage in the securities business. In addition, the first part asks for information concerning arrests, convictions, court proceedings, indictments and disciplinary proceedings involving such person and former employers with whom he was associated in any capacity when such action or proceeding occurred.

The second part of Form SECO–2 (17 CFR 249.502), to be completed by the broker-dealer, contains a certification that due and diligent inquiry has been made of the background of the associated person; that the broker-dealer has reason to believe that he is of good character and reputation and qualified to perform his functions and duties; and, if applicable, that he has fulfilled the examination requirements of Rule 15b8–1 (17 CFR 240.15b8–1).

3. *Fee schedule.* Under sections 15(b)(8) and 15(b)(9) of the Exchange Act, the Commission is authorized to assess broker-dealers subject to these sections reasonable fees to defray the costs of regulation. In view of the limited costs incurred between August 20, 1964, the date of the enactment of the Securities Act Amendments of 1964, and the end of the current fiscal year, the Commission proposes to adopt a temporary fee schedule. These fees would defray the Commission's costs in inaugurating a program for establishing and enforcing qualification standards for nonmember broker-dealers and associated persons. Within a short time, the

[5] The term "associated person" is defined in Rule 15b8–1 (17 C.F.R. § 240.15b8–1) to mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial) and any nonmember broker or dealer conducting business as a sole proprietor.

Commission expects to publish for comment a proposed permanent fee schedule under sections 15(b)(8) and 15(b)(9), for 1966 and subsequent fiscal years. The Commission wishes to emphasize that the proposed fee schedule for the fiscal year ending June 30, 1965, does not constitute a precedent for future fee schedules, either in the level or structure of fees.

Under Rule 15b8–1 (17 CFR 240.15b8–1) every broker or dealer subject to the proposed rule who is registered with the Commission on June 30, 1965, would pay a fee of $100, plus $2 for each associated person as of June 30, 1965, up to a limit of 100 persons and $1 for each additional person. This fee would thus be based upon the number of principals and employees (other than those with solely clerical or ministerial functions) of a broker-dealer, not merely those subject to the examination requirement of Rule 15b8–1 (17 CFR 240.15b8–1). All broker-dealers subject to the rule would be required to file Form SECO–3 (17 CFR 249.503) (an assessment form) and pay the fee on or before July 31, 1965.

4. *Exemption.* Among the broker-dealers that are not members of a registered national securities association are several specialists and other floor members of national securities exchanges, some of whom introduce accounts to other members. The over-the-counter business of these broker-dealers may be limited to receipt of a portion of the commissions paid on occasional over-the-counter transactions in these introduced accounts, and to certain other transactions incidental to their activities as specialists. In most cases, the income derived from these activities is nominal.

Under the proposed rule, any broker-dealer who is a member of a national securities exchange would be exempted from the rule if it does not carry customers' accounts and if its annual gross income derived from its over-the-counter business is no more than $1,000. Should a broker-dealer's over-the-counter income exceed these limits for any accounting year, such broker-dealer and all persons associated with it would become subject to the requirements of Rule 15b8–1 (17 CFR 240.15b8–1).

The text of the proposed rule would be substantially as follows:

§ 240.15b8–1 Qualifications requirements and initial assessment of brokers and dealers not members of a registered national securities association, and their associated persons.

(a) No nonmember broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) unless such nonmember broker or dealer meets all of the following conditions:

(1)(i) Every associated person any part of whose securities activities is in (*a*) sales; (*b*) trading; (*c*) research or investment advice; (*d*) advertising; (*e*) public relations; (*f*) hiring or recruitment of salesmen; (*g*) training of salesmen; (*h*) underwriting and private placements; or (*i*) management and administration, has successfully completed one of the following examinations: A general securities examination described in subdivision (ii) of this subparagraph; the State Securities Sales Examination; the Examination for Principals or the Examination for Qualification as a Registered Representative of the National Association of Securities Dealers, Inc.; the Standard Examination for Registered Representatives, the Branch Office Manager Examination, the Allied Member Examination, the Floor Member Examination, the Registered Traders Examination or the Supervisory Analyst Examination of the New York Stock Exchange; the Examination for Qualification as a Registered Representative, the Examination for Branch Office Managers of Member Firms, the Examination for Office Partners of Member Firms, the Examination for Floor Partners of Member Firms, the Supervisory Analyst Examination, or the Registered Traders Examination of the American Stock Exchange: *Provided, however,* That a person, including a sole proprietor broker-dealer, shall be exempted from such examination requirement if such person became registered as a broker or dealer, or associated with a registered broker or dealer, prior to July 1, 1963; such person has been continuously registered as a broker or dealer or associated with any registered broker or dealer since that date; and such person, since that date, has not had any disciplinary sanction imposed on him, has not been found to have wilfully violated any provision of the federal securities laws, or has not been found to be a cause of any disciplinary action: *And provided, further,* That, any other person who is an associated person when this section becomes effective may continue in that capacity for a period of 6 months after this section becomes effective, the examination requirement of this section notwithstanding.

(ii)(*a*) The general securities examination referred to in subdivision (i) of this subparagraph shall be prescribed by the Commisison and shall cover the following subject matter:

(*1*) Corporate and Government securities: Characteristics of corporate structure, legal obligations of the corporation to its stockholders, financial statements and corporate accounting theory, and types of securities.

(*2*) Investment companies: Differences between various kinds of open-end and closed-end investment companies, characteristics of contractual plans, evaluation of investment company securities in the light of investment objectives of different customers, pertinent provisions of the Investment Company Act of 1940 and rules and regulations adopted thereunder and the Commission's Statement of Policy.

(*3*) Brokers and dealers and their associated personnel: Provisions of the Securities Exchange Act of 1934 pertaining to the conduct of brokers and dealers and persons associated with them, and rules and regulations adopted thereunder.

(*4*) Distribution of securities: Methods used for the underwriting and distribution of securities, prospectus and registration requirements of the Securities Act of 1933 and rules and regulations adopted thereunder.

(*5*) Stock exchanges and over-the-counter markets: Regulation of exchanges, exchange members, and issuers whose securities are registered under the Securities Exchange Act of 1934 and rules and regulations adopted thereunder, trading methods, and types of securities traded on the exchanges and over-the-counter markets.

(*b*) The general securities examination or examinations shall be given in examination centers designated by the Commission. The grade or grades for successful completion shall be as determined by the Commission. Persons taking the examination or examinations may be required to pay a reasonable fee established by the Commission to defray the costs of its administration.

(*c*) An associated person who fails to complete the general securities examination successfully may not take the examination again until 30 days after initially taking it. After a second such failure, such person may not take the examination again until 60 days after taking the second examination. After a third and any subsequent such failure, such person may not take the examination again until 90 days after the third and any subsequent examinations.

(2) Such nonmember broker or dealer shall have filed with the Commission a Form SECO–2 (§ 249.502 of this chapter) with respect to each associated person before such person performs any services on behalf of such nonmember broker or dealer: *Provided, however,* That such nonmember broker or dealer shall file a Form SECO–2 (§ 249.502 of this chapter) with respect to each person who is an associated person on the date that this section becomes effective, as follows:

(i) With respect to each associated person to whom the examination requirement of subparagraph (1) of this paragraph is applicable, not later than 6 months after this section becomes effective;

(ii) With respect to each associated person to whom such examination requirement is not applicable, not later than 60 days after this section becomes effective.

(iii) Information submitted on Form SECO–2 (§ 249.502 of this chapter) shall be maintained in a nonpublic file; *Provided, however,* That it shall be available, for official use, to any official or employee of the United States or any State; and to any other person to whom the Commission authorizes disclosure in the public interest.

(3) Such nonmember broker or dealer, if registered with the Commission on June 30, 1965, shall, on or before July 31, 1965, file Form SECO–3 (§ 249.503 of this chapter) and pay to the Commission a fee to defray the costs of regulation pursuant to sections 15(b)(8) and 15(b)(9) for the fiscal year ending June 30, 1965. Such fee shall be in an amount of one hundred dollars, plus two dollars for each person who is an associated person on June 30, 1965, up to a limit of one hundred such persons, and one

dollar for each such person in excess of one hundred such persons.

(b) Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from this section if (1) it carries no accounts of customers, and (2) its annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange is in an amount no greater than $1,000.

(c) For purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 of the Act, that is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial) and any nonmember broker or dealer conducting business as a sole proprietor.

(Secs. 15(b)(8) and 23(a), 78 Stat. 572–3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w.)

In connection with proposed Rule 15b8–1 (17 CFR 240.15b8–1), it is proposed that Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations be amended by adding § 249.502 and § 249.503, as follows:

§ 249.502 Form SECO–2, Personnel form, to be filed by registered brokers and dealers not members of a registered national securities association, for associated persons of such brokers and dealers.

(Copies of this form can be obtained from the Securities and Exchange Commission, Washington, D.C., 20549.)

§ 249.503 Form SECO–3, Assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of this form can be obtained from the Securities and Exchange Commission, Washington, D.C., 20549.)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before June 14, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 18, 1965.

[F.R. Doc. 65–5676; Filed, May 28, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

Redelegation of Materials Sale Contracting Authority (Other Than Forest Products)

Pursuant to the authority contained in section 1.1(a) of Bureau Order 701, dated July 28, 1964, the following officials are authorized to take all actions of the State Director relating to any sale or contract for the sale of materials other than forest products, or the free use of materials other than forest products, under 43 CFR 3610:

Assistant District Managers, District Offices at Burns, Coos Bay, Eugene, Medford, Roseburg, Salem and Vale, Oreg.;
Officer-in-charge, Tillamook suboffice, Tillamook, Oreg.

This authority shall not include the approval of any transaction in which the materials are valued in excess of $2,000.

GARTH H. RUDD,
Acting State Director.

Approved: May 21, 1965.

H. R. HOCHMUTH,
Acting Director.

[F.R. Doc. 65-5645; Filed, May 28, 1965; 8:47 a.m.]

Office of the Secretary

GEORGE F. HRUBESKY

Report of Appointment and Statement of Financial Interests

MAY 26, 1965.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Mr. George F. Hrubesky.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Deputy Director, Defense Electric Power Area 9.
The name of the appointee's private employer or employers: Wisconsin Public Service Corp., Green Bay, Wis.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 14, 1965, as Deputy Area Director, Defense Electric Power Administration, Area No. 9, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Wisconsin Public Service Corp.
Baldwin Lima Hamilton Corp.
The Proctor & Gamble Co.
Seaboard Finance Co.
General American Oil Co.
Consolidated Edison Co.
George Banta Publishing Co.
Contenental Mortgage Ins. Co.
Outboard Marine Co.
Emerson Radio Co.
Textron Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: May 18, 1965.

GEORGE F. HRUBESKY.

[F.R. Doc. 65-5647; Filed, May 28, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Illinois a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Adams. Whiteside.
Henderson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-5671; Filed, May 28, 1965; 8:48 a.m.]

WASHINGTON

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Washington natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WASHINGTON

Benton. Yakima.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-5672; Filed, May 28, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED BREAD DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit To Cover Marketing Tests

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Fischer Baking Co., Newark, N.J., to cover interstate marketing tests of enriched bread deviating from the requirements of the standard of identity for such food (21 CFR 17.2). The product will deviate from the standard in that it will contain alpha-amylase derived from *Bacillus subtilis*. The labels will state "alpha-amylase derived from *B. subtilis* added to retard firming."

This permit expires May 15, 1966.

Dated: May 24, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5674; Filed, May 28, 1965; 8:48 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives Acrylic Modifiers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1757) has been filed by Rohm & Hass Co., Washington Square, Philadelphia, Pa., 19105, proposing the issuance of a regulation to provide for the safe use of acrylic modifiers for semirigid and rigid polyvinyl chloride plastics intended for use in contact with food.

Dated: May 25, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5675; Filed, May 28, 1965; 8:49 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petitions Regarding Pesticide Chemicals Aldrin and Dieldrin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that two petitions have been filed by Shell Chemical Co., 110 West 51st Street, New York 20, N.Y., the first, Pesticide Petition 5F0449, proposing decreases from 0.75 part per million or 0.25 part per million to 0.1 part per million for tolerances for residues of the insecticide aldrin in or on barley straw, broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, garden beets, garden beet tops, grapefruit, lemons, lettuce, limes, oat straw, oranges, rice straw, rutabagas, rye straw, summer squash, tangerines, turnips, turnip tops, wheat straw; and the second, Pesticide Petition 5F0450, proposing decreases from 0.75 part per million or 0.25 part per million to 0.1 part per million for tolerances for residues of the insecticide dieldrin in or on apples, bananas, barley straw, broccoli, brussels sprouts, cabbage, cauliflower, cherries, cucumbers, garden beets, garden beet tops, grapefruit, lemons, lettuce, limes, oat straw, oranges, pears, pineapples, quinces, rutabagas, rye straw, summer squash, tangerines, wheat straw.

The analytical method proposed in the petitions for determining residues of aldrin and dieldrin is based on gas-liquid chromatography with an electron affinity detector.

Dated: May 19, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5701; Filed, May 28, 1965; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-18]

CANRAD PRECISION INDUSTRIES, INC.

Notice of Filing of Amended Petition for Rule Making

Please take notice that Canrad Precision Industries, Inc., New York, N.Y., by letter dated May 13, 1965, has filed with the Commission an amendment to petition for rule making PRM-30-18 in which Canrad had requested amendment of the Commission's regulation, licensing of byproduct material, 10 CFR Part 30, so as to exempt from licensing certain devices and items containing tritium-luminous material. A notice of filing of petition for rule making was published in the FEDERAL REGISTER on January 29, 1965 (30 F.R. 957).

The amendment to PRM-30-18 narrows the scope of the petition for rule making and requests that the following tritium-luminous items be exempted from specific licensing: thermostats; transistor radio dials, and pointers; automobile shift quadrants; and marine compasses.

A copy of the petition for rule making, as amended, is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 25th day of May 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-5656; Filed, May 28, 1965; 8:47 a.m.]

[Docket No. 50-231]

SOUTHWEST EXPERIMENTAL FAST OXIDE REACTOR

Order and Notice of Prehearing Conference

In the matter of General Electric Co., Southwest Atomic Energy Associates, Southwest Experimental Fast Oxide Reactor, Docket No. 50-231; application for Provisional construction permit.

In Fayetteville, Ark., on June 29, 1965, a hearing upon stated issues concerning the above application will be commenced. The notice of hearing which was published at 30 F.R. 7199 (May 28, 1965), described and identified certain hearing procedures and information concerning public participation therein. The Commission's rules of practice (10 CFR Part 2) and its duly published policy statements contemplate additional useful procedural steps which are now invoked.

Proceedings before Atomic Safety and Licensing Boards were discussed in the Commission's Statement of Considerations, published on December 8, 1962, at 27 F.R. 12184. Attention is invited to the discussions therein of prehearing procedures, including the prehearing conference, a step authorized by 10 CFR § 2.752. This Board finds that: A prehearing conference is appropriate to the accomplishment of the purposes of this proceeding; such a conference should be publicly conducted, upon notice and near the location of the proposed facility; a transcript record of the conference should be made[1]; and the parties should then be prepared to focus attention on the important questions involved in this proceeding so as to assist the Board members in developing that understanding of the proposed facility's technical design features which is essential to making informed judgments upon the safety issues under inquiry. Counsel for the applicants has informally expressed consent to the time and place for the prehearing conference. Accordingly,

It is ordered, This 28th day of May 1965, pursuant to 10 CFR §§ 2.721 and 2.752 that the parties or their counsel shall appear at a prehearing conference to be convened at 10 a.m. local time on Tuesday, June 8, 1965, in the Courtroom of the Washington County Courthouse, College and Center Avenues, Fayetteville, Ark., to consider:

(a) Simplification, clarification and meaningful definitions of the issues, including but not limited to a delineation of the scope of the inquiry to be made and the nature of the evidence to be offered under the several parts of Issue No. 1;

(b) Procedures to govern the prior notification and submission in evidence of written testimony and exhibits;

(c) The order and methods of presenting hearing evidence and statements on behalf of the parties and of other participants, if any;

(d) Schedules for the submission of posthearing pleadings; and

(e) Such other matters as may aid in the orderly disposition of the proceeding.

It is further ordered, That this order and notice of prehearing conference be promptly published in the FEDERAL REGISTER.

Issued: May 28, 1965, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND,
Chairman.

[F.R. Doc. 65-5735; Filed, May 28, 1965; 9:26 a.m.]

[1] It is emphasized that informal and off-the-record discussions are not proscribed. On the contrary, as pointed out in 10 CFR § 2.756, that method of exchanging information and achieving better understanding is expected to be employed as extensively as needed, but with a mutually shared obligation upon all participants to see that the transcript record includes statements or summaries of such nonrecord discussions as may be of procedural or substantive significance in the adjudicatory process, of which the conference is a part.

CIVIL AERONAUTICS BOARD

[Docket No. 11749]

AIRLIFT RENEWAL PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 14, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., May 25, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-5659; Filed, May 28, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16023, 16024; FCC 65M-658]

GREATER ERIE BROADCASTING CO., INC., AND JAMES D. BROWNYARD

Order Scheduling Hearing

In re applications of Greater Erie Broadcasting Co., Inc., Lawrence Park, Pa., Docket No. 16023, File No. BP-14945; James D. Brownyard, North East, Pa., Docket No. 16024, File No. BP-15547; for construction permits.

It is ordered, This 24th day of May 1965, that James D. Cunningham shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 15, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 16, 1965; *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5660; Filed, May 28, 1965; 8:47 a.m.]

[Docket No. 15957; FCC 65M-662]

RALPH HICKS AND SOUTHWESTERN BELL TELEPHONE CO.

Order Continuing Prehearing Conference

In the matter of Ralph Hicks, complainant, v. Southwestern Bell Telephone Co., defendant, Docket No. 15957.

The Hearing Examiner having under consideration a pleading filed May 18, 1965, on behalf of National Mobile Radio System (NMRS), Intervenor, requesting an extension of time for filing opposition to the Motion to Dismiss filed May 13, 1965, by Southwestern Bell Telephone Co., Defendant, and a continuance of the prehearing conference from June 11, 1965, until July 7, 1965, and, additionally, a request for extension of time filed May 24, 1965, on behalf of the Commission's Common Carrier Bureau requesting time in which to file an opposition to Defendant's "Motion to Dismiss" and supporting said pleading filed by NMRS, and

It appearing, that good cause exists why said requests should be granted and there are no oppositions thereto,

Accordingly, it is ordered, This 24th day of May 1965, that the requests of both National Mobile Radio System and the Chief, Common Carrier Bureau, are granted and that the time for filing oppositions to the Motion to Dismiss filed by Southwestern Bell Telephone Co. on May 13, 1965, be, and the same is, extended to and including June 15, 1965, and

It is further ordered, That the prehearing conference now scheduled for June 11, 1965, be, and the same is, hereby rescheduled for July 7, 1965, at 10 a.m. in the Commission's Offices, Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5661; Filed; May 28, 1965; 8:47 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-659]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Continuing Hearing

In re applications of Harry J. Morgan trading as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

It is ordered, This 24th day of May 1965, that, as a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter:

1. Exhibits shall be exchanged June 25, 1965,
2. Notification of witnesses shall occur June 30, 1965, and
3. The hearing now scheduled for June 30, 1965, is rescheduled to commence at 10 a.m., July 7, 1965, in the Commission's offices in Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5662; Filed, May 28, 1965; 8:47 a.m.]

[Docket Nos. 16025, 16026; FCC 65M-657]

WEBSTER COUNTY BROADCASTING CO. AND HOLMES COUNTY BROADCASTING CO. (WXTN)

Order Scheduling Hearing

In re applications of William E. Hardy and James E. Myers doing business as Webster County Broadcasting Co., Eupora, Miss., Docket No. 16025, File No. BP-16372; Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis and John B. Skelton, Jr., doing business as Holmes County Broadcasting Co. (WXTN), Lexington, Miss., Docket No. 16026, File No. BP-16601; for construction permits.

It is ordered, This 24th day of May 1965, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 19, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 17, 1965; *and it is further ordered* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5663; Filed, May 28, 1965; 8:47 a.m.]

[Docket No. 15985; FCC 65M-663]

WHOO RADIO, INC. (WHOO)

Order Continuing Hearing

In re application of Whoo Radio, Inc. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; for construction permit.

Pursuant to agreements reached at the prehearing conference held on May 24, 1965, the evidentiary hearing in the above-entitled proceeding is continued from June 23, 1965, to July 26, 1965, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered This the 24th day of May 1965.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5664; Filed, May 28, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1880]

CALVERT CORP.

Notice of Application for Surrender of License for Earthquake Damaged Project

MAY 24, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Calvert Corp. (correspondence to: William Calvert, Treasurer, 411 Seneca Street, Seattle 1, Wash.), for surrender of the license for Project No. 1880, known as the Hanley Lake Project, located on Hanley Lake and Hanley Creek, tributary to McClure Bay, in the District of Valdez, Alaska, and situated wholly within the Chugach National Forest.

The application for surrender states that due to the extensive damage to the

project properties during the March 27, 1964, earthquake, the Calvert Corp., licensee, has decided to abandon the project completely.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 15, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5635; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP65-365]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

MAY 24, 1965.

Take notice that on May 17, 1965, Eastern Shore Natural Gas Co. (Applicant), Post Office Box 615, Dover, Del., filed in Docket No. CP65-365 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of natural gas to O.A. Newton & Son Co. (Newton), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to tap its existing 6-inch transmission line and construct approximately 1,600 feet of 2-inch lateral to the plant of Newton. Newton will use the gas to dry grain and to produce steam for feed manufacturing.

Applicant estimates that the peak day and annual sales of gas to be sold to Newton will be 336 Mcf and 17,611 Mcf, respectively. The application states that this interruptible service will be utilized primarily in the summer and fall periods of relatively low demand for gas.

The cost of the facilities to be constructed by Applicant is estimated to be $7,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5636; Filed, May 28, 1965; 8:46 a.m.]

[Project No. 2513]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License for Constructed Project

MAY 24, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Green Mountain Power Corp. (correspondence to: G. M. McKibben, President, Green Mountain Power Corp., 1 Main Street, Burlington, Vt.) for a license for constructed Project No. 2513, known as the Essex Project, located on the Winooski River, in Chittenden County, Vt., between the Towns of Essex and Williston.

The existing project consists of: (1) A concrete gravity type dam, overall length 494 feet, average height 46 feet (topped with 5-foot flashboards except for an 84-foot tip section with 6 foot 6 inch boards), and containing a 345-foot spillway section; (2) a 352 acre reservoir at elevation 275 feet; (3) headworks consisting of a 36-foot high headwall with two wing walls, and verticle sliding wood gates; (4) a 400-foot steel penstock system; (5) a powerhouse housing four turbines having a combined capacity of 8,530 hp connected to four generators having a combined capacity of 5,400 kw (equipment to be modified in 1965 will increase total turbine capacity to 11,920 hp and generating capacity to 7,200 kw); (6) an outdoor substation with a 7,500/9,375 kva transformer and about 300 feet of 34,500 volt transmission line; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 12, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5637; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP65-366]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 24, 1965.

Take notice that on May 18, 1965, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-366 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing July 13, 1965, and operate routine gas purchase facilities necessary to enable it to take into its certificated main pipeline system natural gas which is or will become available in the general supply area.

The application states that the facilities for which authorization is sought are required in order to maintain an adequate gas supply and to acquire gas at the most reasonable prices.

The total estimated cost of Applicant's proposed construction is not to exceed $3,000,000, with no single project expenditure to exceed $500,000, which will be financed from funds generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5638; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP65-367]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 24, 1965.

Take notice that on May 19, 1965, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP65-367 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct a 20-inch gas supply line extending from the existing terminus of its main transmission line at the Edgar G. Hill Compressor Station in Hansford County, Tex., 93 miles in a southeasterly direction to the Gageby Creek Field in Wheeler County, Tex. A gathering system, meter stations and dehydration equipment are also proposed as part of the construction program.

The application states that Applicant has entered into contracts for the purchase of all the natural gas reserves in the Gageby Creek Field, which will result in extending the deliverability life and life index of its reserves.

Applicant estimates the total cost of construction to be $5,740,000, which is to be financed from the proceeds of bank loans after the utilization of available treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5639; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP65-191]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

MAY 24, 1965.

Take notice that on May 19, 1965, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-191 a petition to amend the order of the Commission issued in said docket on March 30, 1965, which order authorized petitioner to construct and operate certain natural gas facilities in order to expand its pipeline system by approximately 75,000 Mcf per day.

By the instant filing, Petitioner seeks amendment of said order to reflect changes which have arisen, since the preparation of the application, in the maximum daily quantity of natural gas to be delivered by Petitioner to five of its customers commencing on September 1, 1965. The proposed variations from the volumes which were shown in Exhibit I of the original application are as follows:

	Mcf		
	Exhibit I	Revised	Increased or (decreased)
American Gas Co	1,300	2,880	1,580
Keokuk Gas Service Co	10,400	10,100	(300)
Michigan Gas & Electric Co	52,500	53,800	1,300
North Central Public Service Co	17,096	19,000	1,904
Wapello Light Co	635	1,019	384

The net increase in the maximum daily quantity is 4,868 Mcf. American Gas Co. has also requested service under Petitioner's Rate Schedule SGS-1, in lieu of Rate Schedule ACQ-1 under which it now receives such service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.1) on or before June 21, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5640; Filed, May 28, 1965; 8:47 a.m.]

[Docket Nos. G-17370, G-17371]

MONTANA POWER CO.

Order Fixing Dates for Prehearing Conference and Formal Hearing

MAY 24, 1965.

On February 10, 1965, a notice of application by The Montana Power Co. (Applicant) was issued herein.

The notice recited the fact that on January 25, 1965, The Montana Power Co. (Applicant), Butte, Mont., filed in Docket No. G-17371 an application to amend the order of the Commission issued in said docket August 5, 1960, and amended November 20, 1961, which order and amendment authorized Applicant to import natural gas from Canada at an average daily rate of 30,000 Mcf. On the same date, Applicant filed in Docket No. G-17370 an application to amend the Presidential Permit issued in said docket August 5, 1960, and amended November 20, 1961, which permit authorized the construction, operation, maintenance, and connection of facilities at the international boundary between the United States and Canada for the importation of natural gas authorized in Docket No. G-17371.

In the present application, Applicant seeks further amendment of the order issued August 5, 1960, in Docket No. G-17371 by requesting authorization to import natural gas at an average rate of 20,000 Mcf per day in addition to the average daily rate of 30,000 Mcf presently authorized. Applicant proposes to import the additional gas at an average rate of 10,000 Mcf per day commencing on or about November 1, 1966, and another 10,000 Mcf per day on November 1, 1967.

Applicant also seeks amendment of the Presidential Permit issued in Docket No. G-17370 by requesting authorization to maintain and operate the facilities authorized therein for the importation of the additional volumes of natural gas described above.

A petition to intervene was filed on March 8, 1965, by the Independent Petroleum Association of America.

On April 6, 1965, counsel for the Applicant addressed a letter to the Secretary of the Commission requesting that a prehearing conference be called pursuant to § 1.18 of the Commission's rules of practice and procedure in order to expedite the hearing.

The Commission orders:

(A) A public hearing on the issues presented by the application in the above-entitled cases will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on July 12, 1965.

(B) Persons who intend to present evidence, including the applicant, intervener, and the Commission's staff, shall file with the Commission and serve on all parties and the staff on or before June 18, 1965, the proposed evidence comprising their cases in chief, including prepared testimony of witnesses and exhibits. Dates for filing further testimony and exhibits will be fixed by the examiner. The Applicant need not duplicate exhibits filed with its application, but such exhibits should be brought up to date and corrected by supplements.

(C) A prehearing conference shall be held on June 28, 1965, before a hearing examiner of the Commission to be designated by the Chief Examiner in order to consider the means by which the conduct of the hearing may be facilitated and in order to determine further procedures.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5641; Filed, May 28, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4279]

KINGSPORT POWER CO.

Notice of Proposed Issuance of Notes to Banks

MAY 25, 1965.

Notice is hereby given that Kingsport Power Co. ("Kingsport"), 40 Franklin Road, Roanoke, Va., a Virginia corporation and a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the

declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Pursuant to a bank loan agreement entered into by Kingsport with two commercial banks, Kingsport proposes to borrow an aggregate of $7,000,000, to be evidenced by its unsecured notes. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y., and Morgan Guaranty Trust Co. of New York in the principal amounts of $4,900,000 and $2,100,000, respectively; will mature on July 1, 1972; and will bear interest at an annual rate equal to the prime commercial loan rate (presently 4½ percent) in effect from time to time during the life of the notes, plus ¼ of 1 percent; provided, that the effective interest rate on the notes shall at no time exceed 5¼ percent or be less than 4¼ percent per annum. The notes may be prepaid at any time without premium, exceed that if prepaid from the proceeds of borrowings from banking institutions at a rate of interest equal to or less than the then applicable rate of interest on the notes to be prepaid, a premium of ¼ of 1 percent per annum of the principal amount of notes prepaid, from the date of prepayment to and including July 1, 1972, shall be payable. The loan agreement provides that, so long as any of the proposed notes are outstanding, Kingsport will not create or permit to exist any mortgage upon its property, or incur any other indebtedness for borrowed money, if, after application of the proceeds, its total indebtedness for borrowed money shall exceed the lesser of (a) 65 percent of Kingsport's total capitalization and surplus or (b) $11,000,000.

Kingsport will use the proceeds from the sale of the notes (a) to pay at maturity (July 1, 1965) its presently outstanding $5,000,000 principal amount of long-term notes held by said banks; (b) to prepay its short-term notes, also held by said banks, presently outstanding in the amount of $1,600,000; and (c) to provide funds to finance, in part, its 1965 construction program, estimated to cost approximately $1,300,000.

Fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $500. The filing states that the proposed transactions will be expressly authorized by the Tennessee Public Service Commission, in which State Kingsport is doing business, and that a copy of the order of that commission will be filed by amendment. It is further stated that no other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5633; Filed, May 28, 1965; 8:46 a.m.]

[File No. 811-1233]

RESEARCH CAPITAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 25, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Research Capital Corp. ("applicant"), 2909 Bay To Bay, Tampa, Fla., a Florida corporation and a registered closed-end nondiversified management investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations, which are summarized below.

On September 3, 1963, applicant filed a registration statement on Form N-5 and proposed to make a public offering of its stock. Because of the applicant's inability to register properly its stock within the time prescribed by the proposed underwriters, the underwriters have declined to underwrite the offering. In view of this fact and the present circumstances of the applicant, the applicant represents that it does not presently propose to make a public offering of its securities. Applicant's outstanding securities are beneficially owned by not more than 25 individuals.

Notice is further given that any interested person may, not later than June 21, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5634; Filed, May 28, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Cleveland, Ohio) Region]

CLEVELAND REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Cleveland, Ohio, 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. Size determinations (delegated to the positions as indicated below): To make initial size determinations in all cases within the meaning of the Small Business size standards regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. Eligibility determinations (delegated to the positions as indicated below): To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. Chief, Financial Assistance Division (and Assistant Chief, if assigned):

1. Item I.A. (size determinations for financial assistance only).

2. Item I.B. (eligibility determinations for financial assistance only).

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
(Title of person signing)

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on, and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing;

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. Chief, Loan Processing and Administration Section:

1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C. 3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C. 7. and 11.

5. Item I.C.13.—only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (size determinations for financial assistance only.)

7. Item I.B. (eligibility determinations for financial assistance only).

E. Chief, Loan Liquidation Section: Item I.C.13.—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. [Reserved]

G. [Reserved]

H. Chief, Procurement and Management Assistance:

1. Item I.A. (size determinations on PMA activities only).

2. Item I.B. (eligibility determinations on PMA activities only).

I. Regional Counsel: To disburse approved loans.

J. Administrative Assistant:

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (3) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: April 14, 1965.

HENRY P. KOSLING,
Regional Director,
Cleveland, Ohio.

[F.R. Doc. 65-5625; Filed, May 28, 1965; 8:45 a.m.]

[Declaration of Disaster Area 529]

SOUTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Lawrence and Meade Counties in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about May 14, 1965.

Office—Small Business Administration Regional Office, 109½ North Main Avenue, Sioux Falls, S. Dak., 57102.

2. Temporary offices will be established as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 17, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-5626; Filed, May 28, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 26, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39804—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 342), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—17th revised page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39805—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 92), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 4 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1120.

FSA No. 39806—*Liquid caustic soda to Louisville, Ky., and Jeffersonville, Ind.* Filed by O. W. South, Jr., agent (No. A4697), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Redstone Arsenal, Ala., Calvert, Ky., and Memphis, Tenn., to Louisville, Ky., also to Jeffersonville, Ind., from Calvert, Ky.

Grounds for relief—Market competition.

Tariffs—Supplements 191 and 32 to Southern Freight Association, agent, tariffs I.C.C. S–194 and S–484, respectively.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5651; Filed, May 28, 1965; 8:47 a.m.]

[Disaster Order 9; Amdt. 6]

CALIFORNIA WESTERN RAILROAD ET AL.

Reduced Rates; Extension of Expiration Date

In the matter of relief under section 22 of the Interstate Commerce Act.

The California Western Railroad, the Northwestern Pacific Railroad Co. and the Southern Pacific Co., by separate letters, each dated May 20, 1965, request that the expiration date in Disaster Order No. 9, and in Amendments Nos. 1, 2, 3, and 4 thereto, entered January 21 and 28, February 11 and 12, and March 3, 1965, respectively, which was extended to May 31, 1965 by Amendment No. 5 dated April 8, 1965, to Disaster Order No. 9, issued under authority of section 22 of the Interstate Commerce Act, be further extended to June 16, 1965, and good cause appearing:

It is ordered, That the expiration date of April 21, 1965, appearing in Disaster Order No. 9, and Amendments Nos. 1, 2, 3, and 4, thereto, which was extended to and including May 31, 1965 by Amendment No. 5, be, and it is hereby further postponed to June 16, 1965.

It is further ordered, That carriers and their agents who have published tariff provisions under authority of Disaster Order No. 9 and as amended, which are subject to the expiration date of May 31, 1965, be, and they are hereby authorized to extend such expiration date to June 16, 1965, effective upon not less than one day's notice.

It is further ordered, That in all other respects, Disaster Order No. 9, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing one copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., the Vice-President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C., and to the President of the American Short Line Association, Washington, D.C.

Dated at Washington, D.C., this 25th day of May A.D. 1965.

By the Commission, Chairman Webb.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5652; Filed, May 28, 1965; 8:47 a.m.]

[Notice 1182]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67674. By order of May 21, 1965, the Transfer Board approved the transfer to Alva Dean Banks, doing business as Banks Moving & Storage, 984 West Morgan, Marshall, Mo., of the operating rights in Certificates Nos. MC–61664 and MC–61664 (Sub-No. 1), issued February 27, 1941, and August 3, 1951, respectively, to Earl J. Banks, 251 South Davis, Marshall, Mo., authorizing the transportation, over regular routes, of livestock, between Marshall, Mo., and East St. Louis, Ill., and between Marshall, Mo., and Kansas City, Kans., and over irregular routes, of household goods, between Marshall, Mo., and points within 30 miles of Marshall, on the one hand, and, on the other, points in Arkansas, Oklahoma, Kansas, Nebraska, Iowa, and Illinois within 300 miles of Marshall.

No. MC–FC–67843. By order of May 21, 1965, the Transfer Board approved the transfer to Okanogan-Seattle Transport Co., Inc., Okanogan, Wash., of the operating rights in Certificate No. MC–70903 issued March 1, 1954 to R. N. Jaquish, doing business as Okanogan-Seattle Transport, Okanogan, Wash., authorizing the transportation, over regular and irregular routes, of: General commodities, with the usual exceptions, between points in Washington, and household goods, as defined by the Commission, between points in Washington, and mine ores and concentrates, between specified points in Washington and Idaho.

No. MC–FC–67845. By order of May 21, 1965, the Transfer Board approved the transfer to M. L. Stephenson, doing business as M. L. Stephenson Trucking, Cleveland, Tenn., of the operating rights in Permits Nos. MC–126031 (Sub-No. 1) and MC–126031 (Sub-No. 2) issued by the Commission January 22, 1965 and November 17, 1964, respectively, to Hubert L. Murray, Ooltewah, Tenn., authorizing the transportation, over irregular routes, of: Animal and poultry feeds, dry fertilizer, creosoted posts, between specified points and areas in Georgia, Tennessee, and Alabama. Robert E. Born, 1600 First National Bank Building, Atlanta, Ga., 30303, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5653; Filed, May 28, 1965; 8:47 a.m.]

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